

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

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**NO. 73 MM 2022**

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**TOM WOLF, Governor of the Commonwealth of Pennsylvania, and  
LEIGH M. CHAPMAN, Acting Secretary of the Commonwealth of  
Pennsylvania**

**Petitioners,**

**v.**

**GENERAL ASSEMBLY OF THE  
COMMONWEALTH OF PENNSYLVANIA,**

**Respondent.**

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**RESPONDENT'S ANSWER IN OPPOSITION TO PETITIONERS'  
APPLICATION FOR INVOCATION OF KING'S BENCH POWER**

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## I. INTRODUCTION

The judiciary does not exercise its solemn King’s Bench jurisdiction lightly. Nor should it. There must be an actual exigency, a concrete injury, and certainty about future events. And above all, as a separate and co-equal branch, the judiciary does not interfere with the legislature’s ongoing internal processes. Yet Petitioners ask the Court to abandon these enduring principles.

The Court should decline this request. There is no clear case or controversy. There is no exigency. There is no ripeness. There is no standing. And the gravamen of Petitioners’ claim—dissatisfaction with the General Assembly’s internal process—is a constitutionally-foreclosed political question.

There is no adequate basis to invoke King’s Bench jurisdiction. Petitioners’ Application should be denied.

## II. FACTUAL BACKGROUND

### A. The Legislative History of Senate Bill No. 106 of 2021

#### 1. *In the Senate, I*

A joint resolution, Senate Bill No. 106 of 2021 (“**SB 106**”),<sup>1</sup> was introduced in the Senate on January 22, 2021. In its initial Printer’s Number,<sup>2</sup> SB 106 comprised

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<sup>1</sup> The legislative history of SB 106, including the records of how each legislator voted throughout its passage through both houses, can be found at [https://www.legis.state.pa.us/cfdocs/billInfo/bill\\_history.cfm?year=2021&kind=0&body=S&type=B&bn=106](https://www.legis.state.pa.us/cfdocs/billInfo/bill_history.cfm?year=2021&kind=0&body=S&type=B&bn=106) (last visited Aug. 17, 2022).

<sup>2</sup> Printer’s No. 71.

a proposed constitutional amendment allowing gubernatorial candidates to select their running mate for Lieutenant Governor. The same day, SB 106 was referred to the Senate State Government Committee. Then, on January 27, 2021, SB 106 was voted out of the Senate State Government Committee, and placed on the Senate calendar, thus receiving first consideration.

Next, on February 5, 2021, SB 106 received second consideration in the Senate and was re-referred to the Senate Appropriations Committee. On February 23, 2021, the Senate Appropriations Committee reported SB 106 out of committee. SB 106 passed the Senate on April 27, 2021, with bipartisan support. It was then sent to the House.

## ***2. In the House, I***

On April 29, 2021, the House referred SB 106 to the House State Government Committee. On May 25, 2021, SB 106 passed through committee, receiving first consideration.

The House added four proposed constitutional amendments to SB 106 on December 14, 2021: (1) adding a section to Article IV about executive orders; (2) amending Article III, section 9 about the Governor's veto power; (3) amending Article VII, section 15 regarding the auditing of elections by the Auditor General; and (4) amending Article VII, section 1 to address voter identification, including

creating a right for the elector to receive a free government-issued identification.<sup>3</sup> Later that same day, the newly amended SB 106 received second consideration on the House floor, and was re-referred to the House Appropriations Committee.

On December 15, 2021, SB 106 was reported out of the House Appropriations Committee, received third consideration and was passed by a vote of 113-87 (with three Members on leave) in the House, and, because it had been amended in the House, sent to the Senate Rules and Executive Nominations Committee for concurrence upon being reported to the Senate.

### ***3. In the Senate, II***

Back in the Senate, the bill remained in the Rules and Executive Nominations Committee until it was called up and amended in committee on July 7, 2022 by: (1) adding a proposed constitutional amendment to Article I to add language stating that the Pennsylvania Constitution does not grant a right to taxpayer-funded abortion or any other rights related to abortion; (2) removing the proposed constitutional amendment to Article IV about executive orders; (3) removing the proposed constitutional amendment to Article VII, section 1 and replacing it with a similar amendment requiring electors to possess valid voter identification which they could

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<sup>3</sup> Printer's No. 1279.

acquire at no cost; and (4) removing certain language from the proposed amendment to Article VII, section 15.<sup>4</sup>

The Senate Rules and Executive Nominations Committee re-reported SB 106, as amended by both the House and by the Senate committees and submitted it to the Senate for concurrence in the amendments. In a 28-22 vote on July 8, 2022, the Senate concurred in the remaining House amendments, as further amended (one day earlier) by the Senate. The yeas and nays of each Senator were recorded<sup>5</sup> and SB 106 was referred to the House.

#### ***4. In the House, II***

That same day, July 8, the House concurred in the Senate's amendments in a 107-92 vote. Just as they had been in the Senate, the yeas and nays of each Representative were recorded.<sup>6</sup> And with this, the five proposed constitutional amendments making up SB 106 passed General Assembly for the first of two required times.<sup>7</sup>

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<sup>4</sup> Printer's No. 1857. (A copy of SB 106, P.N. 1857 is attached as **Exhibit A.**)

<sup>5</sup> The final July 8, 2022 Senate roll call is publicly available on the General Assembly website: [https://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc\\_view\\_action2.cfm?sess\\_yr=2021&sess\\_ind=0&rc\\_body=S&rc\\_nbr=709](https://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc_view_action2.cfm?sess_yr=2021&sess_ind=0&rc_body=S&rc_nbr=709) (last visited Aug. 17, 2022).

<sup>6</sup> The final July 8, 2022 House roll call is also publicly available on the General Assembly website: [https://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc\\_view\\_action2.cfm?sess\\_yr=2021&sess\\_ind=0&rc\\_body=H&rc\\_nbr=1156](https://www.legis.state.pa.us/CFDOCS/Legis/RC/Public/rc_view_action2.cfm?sess_yr=2021&sess_ind=0&rc_body=H&rc_nbr=1156) (last visited Aug. 17, 2022).

<sup>7</sup> See PA. CONST. art. XI, § 1.

**B. The Acting Secretary of the Commonwealth’s Publication of the Proposed Constitutional Amendments**

In her July 18, 2022, letter to the Members of the General Assembly, the Acting Secretary of the Commonwealth wrote that “[p]ursuant to Article XI, Section 1 of the Pennsylvania Constitution, the Department of State will begin publication of the proposed constitutional amendments on August 2, 2022.”<sup>8</sup> The Acting Secretary also confirmed, consistent with her constitutional non-discretionary duty, that she would publish SB 106’s five proposed constitutional amendments in each of the three months before the 2022 general election. (Ex. B, at 1.) The Acting Secretary also included a list of newspapers with scheduled publication dates in which the amendments would be advertised. (*Id.*, at 2.)

On July 27, 2022, the Acting Secretary provided the General Assembly with an updated list that contained minor modifications to the publication schedule.<sup>9</sup>

**III. ARGUMENT**

**A. There Is No Basis for Invocation of King’s Bench Jurisdiction**

Article V, section 2 of the Pennsylvania Constitution establishes that this Court is the “highest court of the Commonwealth and in this court shall be reposed the supreme judicial power of the Commonwealth[.]” PA. CONST. art. V, § 2. Further,

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<sup>8</sup> A copy of the Acting Secretary’s July 18, 2022, letter is attached as **Exhibit B**.

<sup>9</sup> A copy of the Acting Secretary’s July 27, 2022, updated publication schedule is attached as **Exhibit C**.

this Court has “such jurisdiction as shall be provided by law[,]” *id.*, § 2(c), which jurisdiction includes this Court’s King’s Bench authority:

The Supreme Court shall have and exercise the powers vested in it by the Constitution of Pennsylvania, including the power generally to minister justice to all persons and to exercise the powers of the court, as fully and amply, to all intents and purposes, as the justices of the Court of King’s Bench, Common Pleas and Exchequer, at Westminster, or any of them, could or might do on May 22, 1722.

42 Pa. C.S. § 502.

The precise contours of King’s Bench jurisdiction are not readily defined. But under any analysis, the Court’s judgment to exercise King’s Bench jurisdiction is purely discretionary. Traditionally, this Court has exercised its King’s Bench power in a superintendency capacity over lower courts, tribunals, and judges. *See In re Bruno*, 101 A.3d 635, 702-03 (Pa. 2014); *Bd. of Revision of Taxes v. City of Phila.*, 4 A.3d 610, 620 (Pa. 2010); *In re Dauphin County Fourth Investigating Grand Jury*, 943 A.2d 929, 922 n.8 (Pa. 2007). Indeed, most of the matters in which this Court has exercised King’s Bench jurisdiction have been in this capacity.<sup>10</sup>

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<sup>10</sup> *See, e.g., In re Merlo*, 17 A.3d 869 (Pa. 2011) (suspension of district judge for misconduct); *In re Assignment of Avellino*, 690 A.2d 1138(Pa. 1997) (judicial assignments); *President Judge Determination Cases*, 216 A.2d 326 (Pa. 1966) (commission of common pleas court judges); *In re Bell’s Petition*, 152 A.2d 731 (Pa. 1959) (reviewing lower court decision despite absence of right to appeal); *Apex Hosiery Co. v. Phila. Cnty.*, 200 A. 598 (Pa. 1938) (ordering change of venue in civil case); *In re First Cong. Dist. Election*, 144 A. 735 (Pa. 1928) (exercising supervisory authority over quasi-judicial tribunal); *Schmuck v. Hartman*, 70 A. 1091 (Pa. 1908) (reviewing lower court decision despite absence of right to appeal); *Commonwealth v. Balph*, 3 A. 220 (Pa. 1886) (asserting jurisdiction over criminal case pending in lower court).

Though Justices of this Court have expressed concern that King’s Bench jurisdiction should not extend beyond a supervisory function, *see Pa. Gaming Control Bd. v. City Council of Phila.*, 928 A.2d 1255, 1275 (Pa. 2007) (Castille, J., dissenting), this Court has still invoked King’s Bench jurisdiction in other contexts to “review an issue of public importance that requires *timely intervention* by the court of last resort to avoid the deleterious effects arising from delays incident to the ordinary process of law.” *Friends of Danny DeVito v. Wolf*, 227 A.3d 872, 884 (Pa. 2020) (emphasis added) (quoting *Commonwealth v. Williams*, 129 A.3d 1199, 1205-06 (Pa. 2015)). The exercise of King’s Bench power is appropriate when the Court needs to “innovate a *swift process* and remedy appropriate to the *exigencies* of the event.” *In re Bruno*, 101 A.3d at 672 (emphasis added).

The “purpose” of King’s Bench “is not to permit or encourage parties to bypass an existing constitutional or statutory adjudicative process and have a matter decided by this Court, but [to] aid the Court in its duty to keep all inferior tribunals within the bounds of their own authority.” *Id.* at 670 (quoting *Balph*, 3 A. at 230). As a result, this Court must exercise its power “with extreme caution” because “[t]hat it may be abused is possible.” *Id.* (quoting *Balph*, 3 A. at 230).<sup>11</sup>

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<sup>11</sup> *See also In re 4,744 Subpoenas Duces Tecum Issued by the Phila. DA’s Office to the Phila. Police Dep’t*, No. 68 EM 2021, 2021 Pa. LEXIS 3945, at \*5 (Pa. Nov. 5, 2021) (Dougherty J., dissenting) (finding issues of prosecutorial discretion, protecting the privacy of law enforcement officers, and effective law enforcement presented “extraordinary, and surely unprecedented, circumstances” warranting King’s Bench Jurisdiction which the Court chose not to invoke); *C.N. v. Pa. Dep’t of Hum. Servs.*, 229 A.3d 904, 904 (Pa. 2020) (declining to exercise King’s Bench

But here, Petitioners invite the Court to fling its “extreme caution” to the wind by “permit[ting]” them to “bypass” the “existing constitutional and statutory adjudicatory process”—original jurisdiction in the Commonwealth Court. *See In re Bruno*, 101 A.3d at 670. For the following independent reasons, the Court should decline this unwise and hasty invitation.

***1. No Clear Case or Controversy Exists***

Because Article XI, section 1’s “separate vote” requirement applies only to the electorate—not to Members of the General Assembly—this matter presents no clear case or controversy. This is fatal to Petitioners’ Application. To be sure, Petitioners do yeoman’s work stitching together from whole cloth a state of exigency which they deem sufficient to support their unprecedented request for relief. But their handiwork does not hold together. Petitioners contend that their claims are of “*immediate* public importance” because “state representatives who will vote on the second passage of SB 106 are up for election in November[.]” Pet’rs Appl. 13

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Jurisdiction but directing the Commonwealth Court to set an expedited briefing schedule should petitioners later file suit there); *Private Props., Ltd. Liab. Co. v. Wolf*, 237 A.3d 399, 400 (Pa. 2020) (Wecht J., dissenting) (finding constitutional challenge to Governor’s executive orders issued under the Emergency Code preventing landlords from evicting tenants worthy of King’s Bench, but which the Court now dismissed as improvidently granted); *In re Pa. Prison Soc’y*, 228 A.3d 885, 886 (Pa. 2020) (denying King’s Bench Jurisdiction in matter involving potential release of specified categories of incarcerated persons from county correctional institutions to prevent the spread of COVID-19, but also directing president judges of each county to coordinate with public health officials to assess threat of COVID-19).

(emphasis added). This contention is pretense. And Petitioners propound it to leapfrog the Commonwealth Court in favor of the Court of last resort.

Towards this audacious end, Petitioners weave together an illusion of exigency using a red herring and a studied misinterpretation. They argue that in November the Commonwealth's voters will be "denied [] their constitutional right to be notified of how their respective legislative members voted on each amendment and their right to replace those members with representatives who share their views[]" because the "Members of the General Assembly did not vote separately on whether they approved or disapproved of each ballot question in SB 106 [.]"<sup>12</sup> *Id.* at 18. But this argument is *ipse dixit*. November is of no moment: Members of the General Assembly are not required to vote separately on proposed constitutional amendments.<sup>13</sup>

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<sup>12</sup> While not expressly stated, Petitioners imply that the single subject rule of Article III, section 3 should apply to constitutional amendments. That implication is a mistaken one, and it finds no support in controlling precedent. Proposing constitutional amendments are not a legislative act subject to Article III requirements and limitations; rather, they are a "separate and specific power granted to the General Assembly[.]" *Mellow v. Pizzigrilli*, 800 A.2d 350, 359 (Pa. Cmwlth. 2002) (en banc); see also *Pa. Prison Soc'y v. Commonwealth*, 776 A.2d 971, 981 n. 4 (Pa. 2001) ("Article XI, Section 1 does not impose a single-subject requirement for amendments proposed thereunder.")

<sup>13</sup> Petitioners cite *Kremer v. Grant*, 606 A.2d 433, 435 (Pa. 1992), for the proposition that electors have a right to know how the Members of the General Assembly voted on *each* proposed amendment. Pet'rs Appl. 17. But this stretches *Kremer* beyond its limited holding. At issue in *Kremer* was defective *advertising* of proposed constitutional amendments; it did not interpret Article XI, section 1 to impose a separate vote requirement upon Members of General Assembly.

Contrary to Petitioners' telling, *see* Pet'rs Appl. 17-19, Article XI, section 1's plain language requires only that the *electorate* vote separately on constitutional amendments—an action which takes place after *second* passage by the General Assembly. Article XI, section 1 is reproduced in full below:

Amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments *shall be submitted to the qualified electors of the state* in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. *When two or more amendments shall be submitted they shall be voted upon separately.*

PA. CONST. art. XI, § 1 (emphasis added). Known as the “separate vote requirement,” this section requires electors to vote on each constitutional amendment independent of one another; it does not require that Members of the General Assembly vote on each proposed constitutional amendment. *See id.* Article XI, section 1 provides: “When two or more amendments shall be **submitted** they shall be voted upon separately.” *Id.* (emphasis added). According to the plain, unambiguous language quoted above, constitutional amendments are **submitted** to the electorate for a vote.<sup>14</sup> *See Sprague v. Cortes*, 145 A.3d 1136, 1154 (Pa. 2016) (“It is beyond cavil that Article XI, Section 1 . . . provides that **discrete amendments must be submitted individually to the voters**, a requirement which ensures that only specific and narrow ballot questions will be presented to the people for their approval.”) (emphasis added); *Pa. Prison Soc’y v. Commonwealth*, 776 A.2d 971, 981 (Pa. 2001) (“The *Bergdoll* analysis was based upon the separate vote requirement of Article XI, section 1, which entails an examination of whether two or more amendments **have been submitted to the electorate.**”) (emphasis added).

In the General Assembly, by contrast, constitutional amendments are **proposed**. *Id.* If ever adopted by a second, consecutive General Assembly, SB 106—

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<sup>14</sup> *See In re Bruno*, 101 A.3d 635, 659 (Pa. 2014) (“As an interpretive matter, the polestar of constitutional analysis undertaken by the Court must be the plain language of the constitutional provisions at issue.”).

even in its current form—would comply with the separate vote requirement because it requires separate questions to each be individually voted upon by the electorate. SB 106, Section 2(b)(1)-(5). Beyond the recording of yeas and nays, Article XI, section 1 “is silent on the manner of how legislative votes should be conducted.” *Grimaud*, 865 A.2d at 847. Thus, “[t]he Constitution’s lack of guidance reflects an intent to defer the choice of procedure to the legislature.” *Id.*

Even if there were any ambiguity in the language of Article XI, section 1 (there is not), proper rules of construction prove that the General Assembly is not bound by the separate vote requirement. *See In re Bruno*, 101 A.3d 635, 659 (Pa. 2014) (“[T]he canons of constitutional construction reflected in decisional law often employ the familiar language of statutory construction rules to elucidate ambiguous language[.]”); *Robinson Twp. v. Commonwealth*, 83 A.3d 901, 945 (Pa. 2013) (applying canons of statutory construction, including 1 Pa. C.S. §§ 1921 and 1922 in constitutional construction). Important among those rules of construction is “the presumption is that each and every clause in a written constitution has been inserted for some useful purpose and courts should avoid a construction that would render any portion of the constitution meaningless.” *Walsh v. Tate*, 282 A.2d 284, 288 (Pa. 1971).<sup>15</sup> Thus, as in statutory construction, the voters are “presumed to have intended

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<sup>15</sup> *Accord* 1 Pa. C.S. §§ 1921(a) (“...Every statute shall be construed, if possible, to give effect to all of its provisions”) and 1922(2) (“the General Assembly intends the entire statute to be effective and certain”).

to avoid mere surplusage, every word, every sentence, and provision of a [constitutional amendment] are to be given effect.” *Indep. Oil and Gas Ass’n v. Board of Assessment*, 814 A.2d 180, 183 (Pa. 2002) (internal quotation omitted). Taken to its logical conclusion, Petitioners’ interpretation would require the General Assembly to pass a separate resolution to propose each and every constitutional amendment. But Article XI, section 1 expressly authorizes the General Assembly to propose an “amendment *or amendments*.”

The General Assembly’s ability to propose and vote on multiple amendments in one joint resolution is no legal abstraction. Just last year, the General Assembly passed a joint resolution proposing multiple constitutional amendments: to amend Article I, to add a new section 29, which prohibits the denial or abridgment of equality of rights based on race or ethnicity; (2) to amend Article III, section 9 to provide the General Assembly certain authority on disaster emergency declarations; and (3) to amend Article IV, section 20, regarding the declaration of disaster emergencies by the Governor. Senate Bill 2 (P.N. 86) of the Session of 2021.<sup>16</sup> Those separate ballot questions from SB2 were voted upon and approved by the electorate

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<sup>16</sup> The General Assembly’s proposed constitutional amendments in SB 2-2021 were identical to those in Senate Bill 1166 (P.N. 1835) of the Session of 2020. The full text of SB 2-2021 is publicly available on the General Assembly’s website at <https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=S&billTyp=B&billNbr=0002&pn=0086>.

on May 18, 2021.<sup>17</sup> *See also* Senate Bill 231 (P.N. 2191) of 1999 (second joint resolution proposing to amend Article II, section 17 and Article V, section 16); Senate Bill 319 (P.N. 974) of 1981 (second joint resolution proposing amendments to Article III, section 26 and Article VII, section 11).<sup>18</sup>

As the yeas and nays have been recorded and are both freely and publicly available, in November, presuming the Acting Secretary continues to perform her mandatory ministerial duty to ensure the advertising of SB 106, the voters of the Commonwealth can determine what Members voted for or against SB 106, affording “an informed electorate . . . an opportunity to indicate their pleasure at the ballot box and elect individuals to the next General Assembly with different attitudes.” *Kremer*, 606 A.2d at 438. Several uncertainties must later be resolved before the constitutional amendments, if any, are submitted to the electorate for a vote.

Because SB 106 is merely a first proposal—not a submission to the electorate—under Article XI, section 1, there is no clear case or controversy. Thus, Petitioners’ Application should be denied.

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<sup>17</sup> The legislative history of SB 2-2021, including its eventual submission to the electorate, is publicly available on the General Assembly’s website at: [https://www.legis.state.pa.us/cfdocs/billInfo/bill\\_history.cfm?year=2021&sind=0&body=S&type=B&bn=2](https://www.legis.state.pa.us/cfdocs/billInfo/bill_history.cfm?year=2021&sind=0&body=S&type=B&bn=2).

<sup>18</sup> The full text of SB 319-1981 is publicly available on the General Assembly’s website at <https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=1981&sessInd=0&billBody=S&billTyp=B&billNbr=0319&pn=0974>.

## 2. *No Exigency Exists*

Because the proposed constitutional amendments contained in SB 106 must survive four more constitutionally mandated steps before they are ready for submission to the electorate, the second passage of SB 106 presents this Court with no exigency justifying King’s Bench jurisdiction.

The first step in the Article XI, section 1 constitutional amendment process requires the House or Senate to introduce a joint resolution proposing an amendment or amendments. *See generally Com. ex rel. Att’y General v. Griest*, 46 A. 505 (Pa. 1900). Once introduced, this joint resolution must be considered in each chamber, and a majority in each chamber must agree to the same joint resolution. *See* PA. CONST. art. XI, § 1. Upon passage of the joint resolution in each chamber, the Secretary is then called on to advertise the proposed amendments for three months before the next general election in at least two newspapers in every county. *Id.* This is the second step. SB 106’s proposed constitutional amendments have survived the first two legs of the journey.

There is more, however. The third step and fourth steps in the Article XI, section 1 constitutional-amendment process are to repeat the first two steps—but in the General Assembly, “next afterwards chosen.” *Id.* (In other words, the following legislative session.) The earliest these steps could begin is next year, so SB 106’s proposed amendments have not even begun the third leg of the journey – and, indeed,

may not, because: (1) the next General Assembly has not yet been elected, sworn, and seated; (2) there is no guarantee that the amendments proposed in SB 106 will be proposed again; (3) the amendments proposed in SB 106 may or may not be proposed together again in a single joint resolution; and (4) such amendments may or may not pass through the next afterward chosen General Assembly.

Yet there is more. After the second advertisement following second passage, the Secretary must draft ballot questions on the proposed amendments. *See* 25 P.S. §§ 1003(g), 2621(c), 2755, and 3010(b); *see also Bergdoll v. Kane*, 858 A.2d 185, 195 (Pa. Cmwlth. 2004), *aff'd per curiam*, 874 A.2d 1148 (Pa. 2005). This is the fifth step.

There is more still. The Attorney General must draft a “plain English” statement to accompany each ballot question, explaining the “purpose, limitations, and effects” of each ballot question.<sup>19</sup> 25 P.S. § 2621.1. This is the sixth step.

Finally, only after the successful and complete fulfillment of each of these six steps—all of which must be successful—will a proposed constitutional amendment be submitted to the Commonwealth’s voters. Then, of course, a majority of the electorate must approve each amendment; if not, that amendment fails. *See* PA. CONST. art. XI, § 1. This is the seventh step.

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<sup>19</sup> The authority cited by Petitioners shows that challenges to constitutional amendments typically come after this point. *See infra* pp. 29-30

Though Petitioners’ legal authority purporting to support the exercise of King’s Bench jurisdiction has the veneer of persuasiveness, it is quite different from the measured, multi-step, and multi-year Article XI, section 1 process at work here.<sup>20</sup> For starters, Petitioners give top billing to *Friends of Danny DeVito v. Wolf*, 227 A.3d 872 (Pa. 2020). The petitioners in *Friends of Danny DeVito* sought King’s Bench jurisdiction to challenge the Governor’s exercise of his broad emergency management powers under the Emergency Services Management Code to close all non-life-sustaining businesses. *Id.* at 882. The application was filed on March 24, 2020 during the earliest throes of COVID-19—a disease that this Court determined fell under the definition of “natural disaster” under the Emergency Services Management Code because it caused “substantial damage to property, hardship, suffering or possible loss of life.” *Id.* at 887-88 (quoting 35 Pa.C.S. § 7102). Moreover, the parties both agreed the circumstances warranted the exercise of King’s Bench jurisdiction. *Id.* at 876.

But this case is not a COVID-19 case. It does not involve the Emergency Services Management Code. It does not involve the Governor’s exercise of his emergency management powers in a time of a “natural disaster,” or even a natural disaster itself. It does not involve the immediate and ongoing shut-down of

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<sup>20</sup> See also *infra.*, 22 n.21, Sec. III.A.3.b.ii, Sec. III.B. (discussing and distinguishing *Pa. Prison Soc’y*, *Bergdoll*, and *League of Women Voters*).

businesses and commerce statewide. It does not involve a novel global pandemic. Nothing of the sort; it involves legislative process. Indeed, it involves a legislative process that may not ever be fully completed. Finally, here, the parties do not agree on the applicability of King’s Bench jurisdiction. If anything, *Friends of Danny DeVito* vividly depicts just how inapplicable King’s Bench jurisdiction would be here.

So too with *Wolf v. Scarnati*, 233 A.3d 679 (Pa. 2020). There, the Court revisited the Emergency Services Management Code vis-à-vis COVID-19. The Court grappled with “whether the Pennsylvania Constitution and the Emergency Services Management Code permit[ed] the General Assembly to terminate the Governor’s Proclamation of Disaster Emergency by passing a concurrent resolution, without presenting that resolution to the Governor for his approval or veto.” *Id.* at 684. Seven days after the passage of such concurrent resolution, the Secretary of the Senate instructed the Governor to issue an executive order rescinding the state of disaster emergency in accordance with the resolution and its interpretation of 35 Pa.C.S. § 7301(c). *Id.* at 686. A group of Senate leaders then sued in Commonwealth Court seeking to enforce the concurrent resolution and, a day later, the Governor filed a King’s Bench Application to declare the resolution null and void. *Id.* The Senate leaders did not oppose the Governor’s application. *Id.* at 686 n.8 (indicating that the Senate leaders filed a no-answer letter).

The factual and legal gulf between *Wolf* and this case is vast. A concurrent resolution can be legislative act; amending the constitution is not. *Mellow v. Pizzingrilli*, 800 A.2d 350, 359 (Pa. Cmwlth. 2002) (en banc). The concurrent resolution in *Wolf* completed its entire passage through the General Assembly; SB 106 has not. Just like *Friends of Danny DeVito*, the parties agreed on the applicability of King’s Bench jurisdiction; here, they do not. More importantly, the legal issue in *Wolf* was ripe for review because there was no further legislative role for the General Assembly to take once it passed the concurrent resolution. But SB 106 has not even begun its second passage through the General Assembly—and may never complete it.

Petitioners’ last example involved an Election Code challenge filed less than a month before the November 3, 2020, general election which questioned how to conduct much of that election—again during COVID-19. *In re November 3, 2020 Gen. Election*, 244 A.3d 317, 317 (Pa. 2020). The Secretary sought a declaration on whether the Election Code allowed “county election boards to reject voted absentee or mail-in ballots during pre-canvassing and canvassing based on signature analysis[.]” *Id.* Given the need to provide the sixty-seven county election boards with uniform guidance in mere weeks, this Court heard the case under its King’s Bench authority. *Id.* (Dougherty, J., concurring) (“I reluctantly agree that our exercise of King’s Bench jurisdiction is warranted in this unique and time-sensitive

case of substantial importance.”). But here, Petitioners identify no upcoming date or duty requiring this Court’s guidance and, in fact, as discussed in Part III.A.3., *infra*, it is currently unknown whether some, all, or none of the proposed constitutional amendments in SB 106 may make it through the General Assembly a second time.

In sum, a calm evaluation of SB 106’s current place in the seven-step, yearslong constitutional-amendments process coupled with a complete understanding of what true exigency is—*see, e.g., Friends of Danny DeVito, Wolf, and In re November 3, 2020 Gen. Election*—compels the conclusion that the passage of SB 106 produces no exigency justifying King’s Bench jurisdiction. Thus, Petitioners’ Application warrants denial.

### ***3. Petitioners’ Claims Are Non-Justiciable***

Justiciability is “a threshold matter; that is, if raised, we resolve justiciability before we consider the question presented on the merits.” *Council 13, Am. Fed. of State, County & Mun. Employees, AFL-CIO v. Commonwealth*, 986 A.2d 63, 74 n.10 (Pa. 2009). Thus, before this Court (or any court) can reach the merits of this case, Petitioners must overcome their three justiciability obstacles. *See Rendell v. Pa. State Ethics Comm’n*, 983 A.2d 708, 717 (Pa. 2009) (standing, ripeness, and political question “give body to the general notions of case or controversy and justiciability”). This they cannot do.

*First*, and perhaps most importantly, Petitioners, as the executive branch, invite their co-equal, sister branch, the judiciary, to enmesh itself in the internal procedures of the third co-equal, sister branch, the legislature, in a matter over which it exclusively holds constitutional authority at this stage—the constitutional-amendment proposal process. In other words, Petitioners’ claims are non-justiciable political questions.

*Second*, the Petitioners’ challenges to the constitutionality of SB 106’s proposed constitutional amendments are not ripe.

*Finally*, in all events, Petitioners lack standing to assert their claims.

(a) **Petitioners’ Claims are Political Questions**

Because the state constitution commits the procedure of proposing constitutional amendments to the General Assembly, Petitioners’ claims are non-justiciable political questions.

The constitutional separation of powers—vesting the legislative, executive, and judicial power in three separate, co-equal branches—is the bedrock of our Commonwealth’s representative democracy. “The accumulation of all powers, legislative, executive and judiciary, in the same hands, whether of one, or a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” THE FEDERALIST No. 47, at 302 (James Madison). Thus, the constitutional separation of powers prevents any branch from exercising

powers or functions exclusively committed to another branch. *Sweeney v. Tucker*, 375 A.2d 698, 705 (Pa. 1977); *see also Markham v. Wolf*, 190 A.3d 1175, 1177 (Pa. 2018) (“This tripartite structure, with its systems of checks and balances among these branches, is designed to prevent a concentration of power in any one branch and to prevent one branch from exercising the core functions of another[.]”).

A necessary extension of separation of powers is the political question doctrine, under which courts will not review the actions of a sister branch if the constitution expressly commits the actions to that branch. *Blackwell v. City of Phila.*, 684 A.2d 1068, 1071 (Pa. 1996) (“Courts will not review actions of another branch of government where political questions are involved because the determination of whether the action taken is within the power granted by the constitution has been entrusted exclusively and finally to political branches of government for self-monitoring.”). So “[a] challenge to the Legislature’s exercise of a power which the Constitution commits exclusively to the Legislature presents a non-justiciable ‘political question.’” *Sweeney*, 375 A.2d at 705.

“Without a doubt, the General Assembly has exclusive power over its internal affairs and proceedings.” *Common Cause v. City of Phila.*, 684 A.2d 1068, 1071 (Pa. 1998). And so courts generally do not (and should not) question or “scrutinize a legislature’s choice of, or compliance with, internal rules and procedures” because doing so would show a “lack of respect due coordinate branches of government.”

*Blackwell*, 684 A.2d at 1071 (quoting *Baker v. Carr*, 369 U.S. 186, 217 (1962)); see also *Costa v. Cortes*, 143 A.3d 430, 442 (Pa. Cmwlth. 2016) (acknowledging in dicta that courts are “not empowered” to “second guess the wisdom of the General Assembly’s decisions” on the time and manner of proposed constitutional amendments).

Though the demarcation among the three branches can, at times, be “indistinct and are probably incapable of any precise definition[,]” that is not the case here. See *Sweeney*, 375 A.2d at 705. Amending the constitution is not a legislative act subject to Article III requirements and limitations. *Mellow v. Pizzingrilli*, 800 A.2d 350, 359 (Pa. Cmwlth. 2002) (en banc). Instead, it is a specific grant of power vested exclusively within the legislature. *Costa*, 143 A.3d at 436 (General Assembly has the “*exclusive* authority to determine the ‘time’ and ‘manner’ amendments are to be submitted to qualified electors for approval.”) (emphasis in original). The only requirement that Article XI, section 1 imposes at this stage is that “such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon[.]” Indeed, “[o]ther than the express requirements set forth in Article XI, the procedure to be used in proposing such amendments is exclusively

committed to the legislature.” *Grimaud v. Commonwealth*, 865 A.2d 835, 847 (Pa. 2005) (quoting *Mellow*, 800 A.2d at 359).<sup>21</sup>

Although Petitioners devote much ink to describing substantive—though premature—challenges to the proposed constitutional amendments, Petitioners are, in essence, asking the Court to adjudicate the “internal affairs and proceedings”<sup>22</sup> of the General Assembly. In that regard, once Petitioners’ litany of political recriminations is set aside, their Application can be distilled to six *procedural* contretemps that Petitioners raise at the outset but never mention again.

- 1.) The expansion and number of proposed constitutional amendments approved by the House on December 14, 2021, Pet’rs Appl. 5-6.

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<sup>21</sup> Petitioners also assert that the “process employed by the General Assembly is itself flawed” because the five proposed amendments should have been affected through a constitutional convention. Pet’rs Appl. 36-38. Petitioners are wrong. In support, Petitioners rely only on the Commonwealth Court’s decision in *Pennsylvania Prison Society v. Commonwealth*, 727 A.2d 632 (Pa. Cmwlth. 1999), which this Court reversed. 776 A.2d 971 (Pa. 2001). There, the Commonwealth Court determined that a single ballot question amending Article IV, section 9 of the Pennsylvania Constitution contained five amendments to the Constitution, thus violating the single vote requirement of Article XI, section 1. *See Pa. Prison Soc’y*, 776 A.2d at 973. The Supreme Court reversed Commonwealth Court, concluding that “the ballot question in fact proposed two separate amendments,” but the “ballot question was not constitutionally infirm in this case.” *Id.*

The proposition for which Petitioners quote the Commonwealth Court in *Pennsylvania Prison Society* is not necessarily incorrect—i.e., that a constitutional convention is the appropriate process for making multiple, complex, and interrelated changes to the Constitution—it is just irrelevant. *See* Pet’rs Appl. 36-37 (quoting *Pa. Prison Soc’y*, 727 A.2d at 634-35). Indeed, Petitioners’ convenient omission of a sentence from the block quote shows its inapplicability: “The voters must be able to express their will as to each substantive constitutional change separately, especially if these changes are not so interrelated that they must be made together.” *Pa. Prison Soc’y*, 727 A.2d at 634-35. Petitioners do not, and cannot, explain how the five separate amendments are sufficiently “interrelated” so as to require submission through a constitutional convention.

<sup>22</sup> *See Common Cause*, 684 A.2d at 1071.

- 2.) The alleged lack of public notice before the July 7, 2022, vote on SB 106 in the Senate Rules and Executive Nominations Committee. *Id.* 9.
- 3.) The adoption of Senator Ward’s amendment by said committee and the alleged subsequent restriction on further motions to amend SB 106. *Id.* 8.
- 4.) The separate passage of a motion to table all amendments before the committee. *Id.* 9.
- 5.) Dissatisfaction with the House Parliamentarian’s response to an inquiry on July 8, 2022, on whether each individually proposed constitutional amendment within SB 106 required a separate vote. *Id.* 9-10.
- 6.) The final adoption of SB 106 in a “late-night” session of the General Assembly on July 8, 2022. *Id.* 8-9.

In other words, Petitioners (the executive branch) do not like how Respondent (the legislative branch) made the sausage, so they want this Court (the judicial branch) to discard it. The executive-branch Petitioners are tugging on the judiciary’s sleeve, asking that it reach into the inner sanctum of the legislative branch and undo its constitutionally authorized work—all because it does not like the outcome. But like it or not, these are acts that the Constitution commits exclusively to the General Assembly. *Mellow*, 800 A.2d at 359.

All told, Petitioners cite no law and no facts sufficient to allow this Court to cast aside Article XI, section 1, and parachute into the “internal affairs and proceedings” of the General Assembly. And so, the Court should dismiss the Application.

**(b) The Doctrines of Standing and Ripeness Preclude  
Judicial Review**

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Before any court may resolve this dispute, Petitioners must first show that they have standing and that this matter is ripe for judicial resolution. *Pittsburgh Palisades Park, LLC v. Commonwealth*, 888 A.2d 655, 659 (Pa. 2005) (citing *Bergdoll v. Kane*, 731 A.2d 1261, 1268 (Pa. 1999)). “The courts in our Commonwealth do not render decisions in the abstract or offer purely advisory opinions; consistent therewith, the requirement of standing arises from ‘the principle that judicial intervention is appropriate only when the underlying controversy is real and concrete[.]’” *Id.* (quoting *City of Phila. v. Commonwealth of Pennsylvania*, 838 A.2d 566, 577 (Pa. 2003)). Determinations of standing and ripeness often intersect, particularly where, as here, the “interest asserted by the petitioner is speculative, not concrete, or would require the court to offer an advisory opinion.” *Robinson Twp. v. Commonwealth*, 83 A.3d 901, 917 (Pa. 2013) (citing *Rendell*, 983 A.2d at 718); *see also Firearm Owners Against Crime v. Papenfuse*, 261 A.3d 467, 482 (Pa. 2021) (“[T]he justiciability doctrines of standing and ripeness are closely related because both may encompass allegations that the plaintiff’s harm is speculative or hypothetical and resolving the matter would constitute an advisory opinion.”).

The doctrine of ripeness concerns the “proper timing” of judicial intervention. *Town of McCandless v. McCandless Police Officers Ass’n*, 901 A.2d 991, 1002 (Pa. 2006). Application of the ripeness doctrine precludes judicial review when there is

no actual controversy. *Bayada Nurses, Inc. v. Dep't of Labor & Indus.*, 8 A.3d 866, 874 (Pa. 2010). “The basic rationale underlying the ripeness doctrine is ‘to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements.’” *Phila. Entm't & Dev. Partners., L.P. v. City of Phila.*, 937 A.2d 385, 392 (Pa. 2007) (quoting *Abbott Labs v. Gardner*, 387 U.S. 136, 148 (1967)).

Like the ripeness doctrine, the prematurity of litigation can defeat standing. The “keystone” to any standing analysis is a demonstration that a party is “negatively impacted in some real and direct fashion”—i.e., the party is aggrieved. *Pittsburgh Palisades Park, LLC*, 888 A.2d at 660. Thus, a petitioner has the burden to demonstrate “a substantial, direct and immediate interest in the outcome of the litigation.” *Fumo v. City of Phila.*, 972 A.2d 487, 496 (Pa. 2009). To have a “substantial” interest, Petitioners must demonstrate that their interests “surpass[] that ‘of all citizens in procuring obedience to the law.’” *Id.* at 496 (quoting *In Re Hickson*, 821 A.2d 1238, 1243 (Pa. 2003)). “The interest is direct if there is a causal connection between the asserted violation and the harm complained of; it is immediate if that causal connection is not remote or speculative.” *Id.* (quoting *City of Phila.*, 838 A.2d at 577).

(i) *Petitioners' Claims Are Not Ripe*

Petitioners' claims here are “speculative, not concrete, [and] would require the court to offer an advisory opinion.” *Robinson Twp. v. Commonwealth*, 83 A.3d 901, 917 (Pa. 2013) (citation omitted); *In re November 3, 2020 Gen. Election*, 244 A.3d at 318 (Baer, J., dissenting) (recommending denial of King’s Bench Application because “our exercise of jurisdiction would provide nothing more than an advisory opinion”). At bottom, what Petitioners truly seek is an advisory opinion on potential constitutional amendments—that may never even reach the electorate. As a result, Petitioners ask the Judicial Branch to offer an opinion on the proper internal legislative procedure *before* the next General Assembly proposes and considers a second joint resolution. The simple reasons why there is no (and there may never be) clear case or controversy right now is because of SB 106’s procedural posture and the many rigid and time-consuming steps that still must occur (and may not even occur) before the constitutional amendments are submitted to the electorate as set forth at length in Part III.A.2, *supra*, which is incorporated by reference.

The lack of a ripe controversy is thrown into stark relief by Petitioners’ challenges to the purported vagueness or compound aspects of the wording of the proposed constitutional amendments in SB 106. Pet’rs Appl. 19-24, 28-29. And Petitioners wisely elide any acknowledgment that these types of semantic- or linguistic-related issues have only been raised as challenges to *ballot questions*. But

ballot questions are not drafted until after the passage of a proposed constitutional amendment by a second General Assembly.<sup>23</sup> The amendments underlying SB 106 are nowhere near this point. The mere specter of such a premature and messy adjudication alone militates against a finding of ripeness.

Scrutiny of Petitioners' skin-deep case-law analysis lays bare their incurable ripeness problem. And it is little surprise that Petitioners do not cite a single case involving a substantive or procedural challenge to a proposed constitutional amendment on its first passage through the General Assembly. Not one. Instead, Petitioners only cite cases challenging ballot questions after second passage or the adequacy of the Secretary's performance (or non-performance) of ministerial publication duties. *See, e.g., Sprague v. Cortes*, 145 A.3d 1136 (Pa. 2016) (Baer, J., op. in supp. of affirmance) (involving a challenge to ballot questions after second passage through the General Assembly and publication by the Secretary); *Grimaud v. Commonwealth*, 865 A.2d 835 (Pa. 2005) (same); *Pa. Prison Soc'y v. Commonwealth*, 776 A.2d 971 (Pa. 2001) (same); *Bergdoll v. Kane*, 731 A.2d 1261 (Pa. 1999) (same); *Stander v. Kelley*, 250 A.2d 474, 476 (Pa. 1969) (same); *see also Kremer v. Grant*, 606 A.2d 433 (Pa. 1992) (addressing whether Secretary failed to

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<sup>23</sup> *See, e.g.,* 25 P.S. §§ 1003(g), 2621(c), 2755 and 3010(b); *see also* 25 P.S. § 2621.1 (requiring Attorney General to prepare a statement accompanying ballot questions in “plain English” and indicate the “purpose, limitations and effects of the ballot question on the people of the Commonwealth”).

properly advertise after second passage through General Assembly); *Tausig v. Lawrence*, 197 A. 235 (Pa. 1937) (involving an attempt to enjoin the Secretary from certifying ballot questions due to dispute over substantial compliance with publication duties); *Commonwealth ex rel. Schnader v. Beamish*, 164 A. 615 (Pa. 1932) (reviewing whether the Secretary complied with his ministerial publication duties after the first passage through the General Assembly).

This Court has reasoned that it is unwise “to intervene, under the ripeness doctrine, when the challenged [ ] action is abstract, hypothetical or remote.” *Empire Sanitary Landfill v. Dep’t of Env’tl. Res.*, 684 A.2d 1047, 1054 (Pa. 1996) (quotations and citations omitted). Similarly, without a ballot question—or at least the final text from a post-second passage joint resolution—Petitioners’ claims would require the parties to tilt at windmills while this Court embarks in a thoroughly abstract exercise involving drafts of proposed constitutional amendments that may never be introduced, amended, or passed in the next session of the General Assembly.

For these reasons, this Court should dismiss Petitioners’ Application.

(ii) *Petitioners Lack Standing as Electors*

At best, Petitioners gloss over standing, relegating their assertion of voter standing to a footnote citing this Court’s decision in *Bergdoll v. Kane*, 731 A.2d 1261 (Pa. 1999). But *Bergdoll* is easily distinguishable and cuts in Respondent’s favor. The petitioners in *Bergdoll* brought their case seeking to enjoin the inclusion of a ballot question amending the Confrontation Clause of the Pennsylvania Constitution in October 1995—months *after* the General Assembly passed a joint resolution<sup>24</sup> proposing certain constitutional amendments for the second time as required by Article XI, section 1, and less than one month before those amendments were to be submitted to the electorate. *Id.* at 1263, 1265-66. The petitioners in *Bergdoll* had standing to challenge the inclusion of the constitutional amendment in the impending election because it was, *in fact*, going to be submitted to the electorate but for their intervention to obtain injunctive relief.

Unlike the petitioners in *Bergdoll*, Petitioners here have yet to be “negatively impacted in some real and direct fashion.” *Pittsburgh Palisades Park*, 888 A.2d at 660. Petitioners’ asserted “right to be notified of how their respective legislative members voted on each amendment,” Pet’rs Appl. 18, is pure fiction; voters have no such “right.” *See Sprague*, 145 A.3d at 1154 (“It is beyond cavil that Article XI,

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<sup>24</sup> Joint Resolution 1, Special Session of 1995 was passed by the General Assembly for the second time on March 13, 1995. *Id.* at 1265.

Section 1 . . . provides that *discrete amendments must be submitted individually to the voters*, a requirement which ensures that only specific and narrow ballot questions will be presented to the people for their approval.”) (emphasis added); *Pa. Prison Soc’y v. Commonwealth*, 776 A.2d at 981 (“The *Bergdoll* analysis was based upon the separate vote requirement of Article XI, Section 1, which entails an examination of whether two or more amendments *have been submitted to the electorate.*”) (emphasis added). The right voters do have is the right to know how Members of the General Assembly voted on a joint resolution proposing multiple constitutional amendments as contemplated by the plain language of Article XI, section 1. *See* PA. CONST. art. XI, § 1 (“[S]uch *proposed* amendment or *amendments* shall be entered on their journals with the yeas and nays taken thereon.”) (emphasis added). And this right was realized.<sup>25</sup>

Stripped of the false premise that voters have the “right to be notified of how their respective legislative members voted on each amendment,” Petitioners lack any substantial, direct, or immediate legal interest in the General Assembly’s internal procedures. And just the same, they lack any aggrievement by proposed constitutional amendments that may never be submitted to the electorate. For these reasons, the Court should deny Petitioners’ Application.

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<sup>25</sup> *See supra* notes 5-6 (links to the General Assembly’s public record of each individual representative and senator’s yeas and nays on SB 106).

*(iii) The Acting Secretary Lacks Official Standing*

The Acting Secretary’s sole basis for asserting standing in her official capacity is “as the Commonwealth officer charged in Article XI, § 1 with responsibility for publishing notice of the proposed amendments.” Pet’rs Appl. 10. This is an insufficient basis. After a proposed constitutional amendment or amendments have passed through the General Assembly, the Acting Secretary’s duty in this regard is simply to “cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published.” PA. CONST. art XI, § 1; *see also Tausig v. Lawrence*, 197 A. 235 (Pa. 1937) (finding that the Secretary fulfilled the nearly identical publication duty in Article XVIII of the 1874 Constitution by transmitting the five proposed constitutional amendments to two newspapers in each county with ample time to publish). This duty is non-discretionary. The Secretary proffers no other basis for standing, she proffers no injury to her office, and she identifies no other constitutional or statutory duties required of her between now and a hypothetical, second passage of some or all of the proposed amendments in SB 106.<sup>26</sup>

Although a constitutional provision may assign duties to an office or a public official, this alone cannot impart standing to the officeholder. Rather, the paramount

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<sup>26</sup> Days after filing the King’s Bench Application, she performed her non-discretionary duty to ensure publication of SB 106 three months before the November 2022 general election. *See Exs. B-C.*

question is whether the duty is discretionary or non-discretionary. Ministerial duties do not grant a public official standing to assert either a statutory or constitutional challenge. *See generally Commonwealth v. Griest*, 46 A. 505 (Pa. 1900) (concluding that the Secretary’s duty to publish proposed constitutional amendments did not require him to exercise any discretion nor allow any party to intervene at that stage of the process); *see also Troutman v. Court of Common Pleas (In re Admin. Order No. 1-Md-2003)*, 936 A.2d 1, 9 (Pa. 2007) (holding that a clerk of courts’ ministerial duties under the Judicial Code and Pennsylvania Constitution did not grant him standing to challenge judicial administrative orders); *Perzel v. Cortes*, 870 A.2d 759, 765 (Pa. 2005) (concluding that the Secretary lacks any authority to question or determine the validity of a writ for a special election issued under the Constitution; “rather, his role is to carry out the mandatory ministerial duties set forth by the Election Code.”); *Commonwealth v. J.H.*, 759 A.2d 1269, 1271 (Pa. 2000) (holding that the Pennsylvania State Police lacked standing to challenge an expungement order because it “plays only a ministerial part in the collection of data”) (quotation omitted). Here, the single ministerial duty to cause SB 106 to be published in August, September, and October 2022—which requires neither discretion nor judgment to carry out—cannot grant standing to challenge or question the constitutionality authorized internal procedures of the General Assembly.

An overview of some of the Acting Secretary’s ministerial and non-ministerial duties highlights the limited avenues available to her position for standing and intervention. Typical of the many duties assigned to the Secretary under the Election Code, 25 P.S. § 3150.14 directs the Secretary to prescribe the size and shape of the envelopes for each mail-in ballot as well as the accompanying declaration and statement about the elector’s qualifications. Yet when the Secretary issued guidance to all the boards of elections on the receipt, examination, and disqualification of mail-in and absentee ballots in the 2020 election, this Court shunted it aside because:

the Secretary has no authority to definitively interpret the provisions of the Election Code, as that is the function, ultimately, of this Court. The Secretary also clearly has no authority to declare ballots null and void...[and] no authority to order the sixty-seven county boards of election to take any particular actions with respect to the receipt of ballots.

*In re Canvass of Absentee & Mail-In Ballots of November 3, 2020 Gen. Election*, 241 A.3d 1058, 1078 n.6 (Pa. 2020) (quotations and citations omitted). If the Acting Secretary lacks authority to interpret to provisions of the Election Code related to her ministerial duties,<sup>27</sup> then it is beyond cavil that she lacks authority to interpret the constitutional provisions that bestow a non-discretionary duty.

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<sup>27</sup> This distinction is amplified even more by case law determining that the Secretary does have standing to challenge provisions of the Election Code related to her discretionary duties thereunder. *See Banfield v. Cortés*, 110 A.3d 155, 172 (Pa. 2015) (“[Q]uestion of whether an electronic system has adequate security measures against tampering necessarily results in a

Article XI, section 1 grants no authority to the Acting Secretary to intrude into the General Assembly’s affairs or discretion to interpret the General Assembly’s actions at this nascent stage of the constitutional amendment process. Indeed, this Court has already had cause to review the Secretary’s role in the constitutional amendment process. In *Commonwealth v. Griest*, the Court was asked to determine whether the governor’s approval was required before submitting proposed constitutional amendments to the electorate under Article XVIII of the 1874 Constitution—the direct predecessor to the current Article XI, section 1. 46 A. 505 (Pa. 1900); *see also League of Women Voters v. Degraffenreid*, 265 A.3d 207, 231-32 (Pa. 2021) (comparing the current Article XI, section 1 with its 1874 and 1838 constitutional precursors). Article XVIII of the 1874 Constitution provided that, after a first passage of a proposed amendment through the General Assembly, “the secretary of the commonwealth shall cause the same to be published three months before the next general election in at least two newspapers in every county in which such newspapers shall be published.” *Id.* at 506 (quoting PA CONST. of 1874, art. XVIII, § 1). Over a century later, this Court’s powerful observations remain highly relevant:

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subjective determination[.]” thus the Secretary’s decision demanded great deference because “the Legislature delegated this discretionary decision to the Secretary[.]”). *See also McLinko v. Commonwealth*, 270 A.3d 1243, 1266-68 (Pa. Cmwlth. 2022) *rev’d on other grounds*, 2022 Pa. LEXIS 1124 (Pa. 2022) (finding that a member of a county board of elections had standing to challenge mail-in voting as unconstitutional because it impacted his discretionary duties).

It will be observed that the duty of the secretary of the commonwealth follows immediately upon the entry of the amendment on the journals of the two houses with the yea and nay votes of the members. ***There is no other action by any department of the state government that is either required or allowed, prior to the action of the secretary.*** And that action of the secretary is prescribed in mandatory language, thus, ‘And the secretary of the commonwealth shall cause the same to be published,’ etc. ***He has no discretion in the premises. His action does not depend upon any other action whatever.*** It is his own, personal, individual and official duty, imperative in its character, and of the very highest and gravest obligation because it is imposed by the constitution itself, and he can only discharge that duty by literally performing its terms. ***He cannot excuse himself for nonperformance by setting up advice, opinion or action of any other person, organization or department, official or otherwise, for the simple reason that the article of the constitution which prescribes his duty does not allow it. There is no opportunity for any, even the least, intervention, between the entry of the amendment on the journals and the publication in the newspapers in the whole course of the proceeding for the creation of the amendment.***

*Id.* (emphasis added). The *Griest* Court did not stop there. It continued on to also find that “[t]he subsequent provisions of the article are equally devoid of any right or authority to intervene, derived from any source whatever.” *Id.* Given that the publication duty after the General Assembly’s first passage of a proposed constitutional amendment has remained unchanged since the 1874 Constitution, this Court’s conclusions must not yield to imagined exigencies—there is neither authority nor standing for the Acting Secretary to challenge the General Assembly’s actions.

*(iv) The Governor Lacks Official Standing*

The Governor's claim to official standing is even more tenuous. He declares that he "brings this action as a constitutional officer whose Article IV powers are fundamentally altered and infringed by the proposed amendments." Pet'rs Appl. 10. But if a ministerial duty cannot bestow standing upon an office holder, then the lack of any involvement in a statutory or constitutional process is just as inadequate. *See, e.g., Pa. Sch. Bds. Ass'n v. Zogby*, 802 A.2d 6, 10 (Pa. Cmwlth. 2002), *appeal denied*, 838 A.2d 564 (Pa. 2003) (holding that non-chartering school districts lack standing to challenge the legality of a grant of a charter school application because the "General Assembly did not give them any rights to participate in the process.") The plain language of Article XI, section 1 assigns no role to the Governor and never mentions the office, and there is no other constitutional provision that could be used to intrude into the General Assembly's constitutional amendment process.

This Court's observations in *Commonwealth v. Griest*, where the governor unsuccessfully attempted to exercise his veto power derived from another constitutional provision to thwart the amendment process, are again germane to standing:

It will be observed that the method of creating amendments to the constitution is fully provided for by this article of the existing constitution. It is a separate and independent article standing alone and entirely unconnected with any other subject. Nor does it contain any reference to any other provision of the constitution as being needed, or to be used, in carrying out the particular work

to which the 18th article is devoted. *It is a system entirely complete in itself, requiring no extraneous aid, either in matters of detail or of general scope to its effectual execution.*

46 A. at 506 (emphasis added). For these reasons, Article XI, section 1 is also “devoid of any right or authority to intervene, derived from any source whatever.” *Id.* A hundred years later, this Court drew upon *Griest* to reject arguments to incorporate an Article III legislative analysis into the review of a proposed constitutional amendment and reiterated that the constitutional amendment process is “not lawmaking, which is a distinct and separate function, but it is a specific exercise of the power of a people to make its constitution.” *Pa. Prison Soc’y*, 776 A.2d at 979 (quoting *Griest*, 46 A. at 506).

The Governor appears intent on frustrating “the specific exercise of the power of a people to make its constitution” through the People’s directly elected drafters in the General Assembly by invoking a hypothetical, perceived future effect on his Article IV powers. But just last year, Pennsylvania voters approved a constitutional amendment curtailing the Governor’s Article IV powers. No suit was brought challenging that process. So, because he lacks “any right or authority to intervene, derived from any source whatever,” the Governor lacks standing to frustrate the General Assembly’s exercise of its specifically defined powers and duties as provided in Article XI, section 1. *See Griest*, 46 A. at 506.

\* \* \* \* \*

In the end, there is not a sufficient basis for this Court to invoke its exalted King's Bench authority. No clear case or controversy exists. No exigency exists. And the insuperable justiciability barriers—political question, ripeness, and standing—devastate Petitioners' claims at the threshold.

**B. This Matter Belongs Before Commonwealth Court**

Though the subject matter may be of public import, there is no good reason for this case to be decided in the first instance in the court of last resort. As discussed above, this matter presents significant threshold justiciability questions, myriad challenges to the General Assembly's internal procedures, and several substantive challenges to four<sup>28</sup> different proposed constitutional amendments, which are altogether far better suited for initial review by a trial court. Given this Hydra offered up by Petitioners, the Commonwealth Court, operating under its original jurisdiction, provides the most appropriate venue to hear Petitioners' claims.

The case law relied on by Petitioners makes crystal clear that they should have pursued their claims through a Petition for Review in the Commonwealth Court's original jurisdiction. 42 Pa. C.S. § 761. Both *League of Women Voters v.*

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<sup>28</sup> Petitioners do not substantively challenge the proposed amendment to Article IV, section 4, requiring each nominated candidate for Governor select their running mate for Lieutenant Governor, subject to approval of any political party/body, and that Lieutenant Governor candidates may not at the same time run for Governor.

*Degraffenreid*<sup>29</sup> and *Pa. Prison Soc’y v. Commonwealth*<sup>30</sup> began as Commonwealth Court actions challenging ballot questions brought in the month before the election and, in both cases, this Court took up appeals from the final orders below well over a year after the elections had passed. Furthermore, in *Bergdoll v. Kane*,<sup>31</sup> this Court remanded the petitioners’ application to the Commonwealth Court, again filed a month before the general election, and eventually heard the direct appeal of the summary judgment order the next year. This Court allowed the electorate to vote on the proposed constitutional amendments in all three cases despite these timelines, and there is therefore no basis to deviate from that process here. History and precedent teach that there is time enough to resolve this case in the ordinary legal course.

As discussed above, there are many steps through which SB 106 must survive before it is submitted to the voters, and completion of those steps could take several months (or longer). Petitioners have not claimed, and cannot claim, that the Commonwealth Court is not equipped to expeditiously adjudicate Petitioners’ claims of error (if Petitioners have any entitlement to assert those claims).

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<sup>29</sup> 265 A.3d 207 (Pa. 2021).

<sup>30</sup> 776 A.2d 971 (Pa. 2001).

<sup>31</sup> 731 A.2d 1261 (Pa. 1999).

Not only can the Commonwealth Court administer this action expeditiously—especially given the lack of true exigency—it is also well-equipped to do so justly.<sup>32</sup> If they seek to press their nonjusticiable claims quickly, Petitioners could request that the Commonwealth Court grant them: (i) an expedited briefing schedule, (ii) summary relief, and a (iii) certification of questions of law to this Court. In light of these available tools and the considerable body of caselaw to draw upon—as shown in this Answer, the Commonwealth Court can easily produce both a timely and meaningful review. Such a process would inure to the benefit of this Court should Petitioners pursue an appeal as of right. 42 Pa. C.S. § 723(a).

In short, if this case belongs anywhere, it is in Commonwealth Court.

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<sup>32</sup> As an example, in *League of Women Voters*, the Commonwealth Court conducted an evidentiary hearing, heard argument, and issued a preliminary injunction enjoining the Secretary from certifying the ballot question votes within twenty days—a process speedy enough to allow this Court the opportunity to review the matter before the election. *League of Women Voters*, 265 A.3d at 212 (citing *League of Women Voters v. Boockvar*, 219 A.3d 594 (Pa. 2019) (order)).

#### IV. CONCLUSION

For these reasons, Petitioners' Application for Invocation of King's Bench should be denied.

Respectfully submitted,

**POST & SCHELL PC**

Dated: Aug. 17, 2022

**BY:** /s/ Erik R. Anderson  
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*Counsel for Respondent*

**CERTIFICATE OF COMPLIANCE**

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.

Dated: Aug. 17, 2022

/s/ Erik R. Anderson  
Erik R. Anderson

# **EXHIBIT A**

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 106 Session of 2021

INTRODUCED BY ARGALL, MARTIN, STEFANO, PHILLIPS-HILL, DiSANTO, BAKER, MASTRIANO, PITTMAN AND REGAN, JANUARY 22, 2021

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JULY 7, 2022

A JOINT RESOLUTION

1 Proposing separate and distinct amendments to the Constitution
2 of the Commonwealth of Pennsylvania, PROVIDING THAT THERE IS <--
3 NO CONSTITUTIONAL RIGHT TO TAXPAYER-FUNDED ABORTION OR OTHER
4 RIGHT RELATING TO ABORTION; further providing for action on
5 concurrent orders and resolutions and, for Lieutenant <--
6 Governor; providing for executive orders; further providing <--
7 AND for qualifications of electors; and providing for <--
8 election audits.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby resolves as follows:

11 Section 1. The following separate and distinct amendments to
12 the Constitution of Pennsylvania are proposed in accordance with
13 Article XI:

14 (1) THAT ARTICLE I BE AMENDED BY ADDING A SECTION TO READ: <--
15 § 30. ABORTION.

16 THIS CONSTITUTION DOES NOT GRANT THE RIGHT TO TAXPAYER-FUNDED
17 ABORTION OR ANY OTHER RIGHT RELATING TO ABORTION.

18 (1) (2) That section 9 of Article III be amended to read: <--
19 § 9. Action on concurrent orders and resolutions.

20 Every order, resolution or vote, to which the concurrence of

1 both Houses may be necessary, except on the questions of  
2 adjournment, disapproval of a regulation or termination or  
3 extension of a disaster emergency declaration as declared by an  
4 executive order or proclamation, or portion of a disaster  
5 emergency declaration as declared by an executive order or  
6 proclamation, shall be presented to the Governor and before it  
7 shall take effect be approved by him, or being disapproved,  
8 shall be repassed by two-thirds of both Houses according to the  
9 rules and limitations prescribed in case of a bill.

10 ~~(2)~~ (3) That section 4 of Article IV be amended to read: <--

11 § 4. Lieutenant Governor.

12 A Lieutenant Governor shall be chosen jointly with the  
13 Governor by the casting by each voter of a single vote  
14 applicable to both offices, for the same term, and subject to  
15 the same provisions as the Governor[; he]. Each candidate for  
16 Governor, having been nominated under the laws of this  
17 Commonwealth, shall, subject to the approval of the political  
18 party or political body, if any, nominating such candidate,  
19 select a candidate for Lieutenant Governor within such time  
20 before the gubernatorial general election as the General  
21 Assembly shall prescribe by law. A person may not seek election  
22 to both offices simultaneously. The Lieutenant Governor shall be  
23 President of the Senate. As such, [he] the Lieutenant Governor  
24 may vote in case of a tie on any question except the final  
25 passage of a bill or joint resolution, the adoption of a  
26 conference report or the concurrence in amendments made by the  
27 House of Representatives.

28 ~~(3) That Article IV be amended by adding a section to read: <--~~

29 ~~§ 21. Executive orders.~~

30 ~~An executive order or proclamation by the Governor or an~~

~~1 executive agency with the force and effect of law may not be in  
2 effect for more than 21 days, unless otherwise extended in whole  
3 or in part by concurrent resolution of the General Assembly.~~

~~4 (4) That section 1 of Article VII be amended to read:~~

~~5 § 1. Qualifications of electors.~~

~~6 [Every citizen 21] Only citizens 18 years of age or older,  
7 possessing the following qualifications, shall be entitled to  
8 vote at all elections subject, however, to such laws requiring  
9 and regulating the registration of electors as the General  
10 Assembly may enact.~~

~~11 1. He or she shall have been a citizen of the United States  
12 at least one month.~~

~~13 2. He or she shall have resided in the State [90] 30 days  
14 immediately preceding the election.~~

~~15 3. He or she shall have resided in the election district  
16 where he or she shall offer to vote at least [60] 30 days  
17 immediately preceding the election, except that if qualified to  
18 vote in an election district prior to removal of residence, he  
19 or she may, if a resident of Pennsylvania, vote in the election  
20 district from which he or she removed his or her residence  
21 within [60] 30 days preceding the election.~~

~~22 4. He or she shall present valid identification prior to  
23 voting, regardless of voting method. If an elector does not  
24 possess valid identification, he or she shall, upon request, be  
25 furnished with a government issued identification at no cost to  
26 the elector. For purposes of this paragraph, the term "valid  
27 identification" shall mean any unexpired government issued  
28 identification, unless otherwise authorized by statute.~~

~~29 (4) THAT SECTION 1 OF ARTICLE VII BE AMENDED TO READ:~~ <--

~~30 § 1. QUALIFICATIONS OF ELECTORS.~~

1       (A) EVERY CITIZEN 21 YEARS OF AGE, POSSESSING THE FOLLOWING  
2 QUALIFICATIONS, SHALL BE ENTITLED TO VOTE AT ALL ELECTIONS  
3 SUBJECT, HOWEVER, TO SUCH LAWS REQUIRING AND REGULATING THE  
4 REGISTRATION OF ELECTORS AS THE GENERAL ASSEMBLY MAY ENACT.

5       1. HE OR SHE SHALL HAVE BEEN A CITIZEN OF THE UNITED STATES  
6 AT LEAST ONE MONTH.

7       2. HE OR SHE SHALL HAVE RESIDED IN THE STATE 90 DAYS  
8 IMMEDIATELY PRECEDING THE ELECTION.

9       3. HE OR SHE SHALL HAVE RESIDED IN THE ELECTION DISTRICT  
10 WHERE HE OR SHE SHALL OFFER TO VOTE AT LEAST 60 DAYS IMMEDIATELY  
11 PRECEDING THE ELECTION, EXCEPT THAT IF QUALIFIED TO VOTE IN AN  
12 ELECTION DISTRICT PRIOR TO REMOVAL OF RESIDENCE, HE OR SHE MAY,  
13 IF A RESIDENT OF PENNSYLVANIA, VOTE IN THE ELECTION DISTRICT  
14 FROM WHICH HE OR SHE REMOVED HIS OR HER RESIDENCE WITHIN 60 DAYS  
15 PRECEDING THE ELECTION.

16       (B) IN ADDITION TO THE QUALIFICATIONS UNDER SUBSECTION (A)  
17 OF THIS SECTION, A QUALIFIED ELECTOR SHALL PROVIDE A VALID  
18 IDENTIFICATION AT EACH ELECTION IN ACCORDANCE WITH THE  
19 FOLLOWING:

20       1. WHEN VOTING IN PERSON, THE QUALIFIED ELECTOR SHALL  
21 PRESENT A VALID IDENTIFICATION BEFORE RECEIVING A BALLOT TO VOTE  
22 IN PERSON.

23       2. WHEN NOT VOTING IN PERSON, THE QUALIFIED ELECTOR SHALL  
24 PROVIDE PROOF OF A VALID IDENTIFICATION WITH HIS OR HER BALLOT.

25       (C) IF A QUALIFIED ELECTOR DOES NOT POSSESS A VALID  
26 IDENTIFICATION, HE OR SHE SHALL, UPON REQUEST AND CONFIRMATION  
27 OF IDENTITY, BE FURNISHED WITH A GOVERNMENT-ISSUED  
28 IDENTIFICATION AT NO COST TO THE QUALIFIED ELECTOR.

29       (D) FOR PURPOSES OF THIS SECTION, THE TERM "VALID  
30 IDENTIFICATION" MEANS AN UNEXPIRED GOVERNMENT-ISSUED

1 IDENTIFICATION, UNLESS OTHERWISE PROVIDED FOR BY LAW.

2 (5) That Article VII be amended by adding a section to read:

3 § 15. Election audits.

4 The General Assembly shall by statute provide for the

5 auditing of elections, including the administration of <--

6 elections, certification of election machines, the accuracy of

7 the list of registered voters, the administration of voter

8 registration and election results. Election audits shall be <--

9 conducted by the Auditor General. In years when the Auditor

10 General stands for election to any office, an Independent

11 Auditor shall conduct the audit.

12 Section 2. (a) Upon the first passage by the General  
13 Assembly of these proposed constitutional amendments, the  
14 Secretary of the Commonwealth shall proceed immediately to  
15 comply with the advertising requirements of section 1 of Article  
16 XI of the Constitution of Pennsylvania and shall transmit the  
17 required advertisements to two newspapers in every county in  
18 which such newspapers are published in sufficient time after  
19 passage of these proposed constitutional amendments.

20 (b) Upon the second passage by the General Assembly of these  
21 proposed constitutional amendments, the Secretary of the  
22 Commonwealth shall proceed immediately to comply with the  
23 advertising requirements of section 1 of Article XI of the  
24 Constitution of Pennsylvania and shall transmit the required  
25 advertisements to two newspapers in every county in which such  
26 newspapers are published in sufficient time after passage of  
27 these proposed constitutional amendments. The Secretary of the  
28 Commonwealth shall:

29 (1) Submit the proposed constitutional amendment under  
30 section 1(1) of this resolution to the qualified electors of

1 this Commonwealth as a separate ballot question at the first  
2 primary, general or municipal election which meets the  
3 requirements of and is in conformance with section 1 of  
4 Article XI of the Constitution of Pennsylvania and which  
5 occurs at least three months after the proposed  
6 constitutional amendment is passed by the General Assembly.

7 (2) Submit the proposed constitutional amendment under  
8 section 1(2) of this resolution to the qualified electors of  
9 this Commonwealth as a separate ballot question at the first  
10 primary, general or municipal election which meets the  
11 requirements of and is in conformance with section 1 of  
12 Article XI of the Constitution of Pennsylvania and which  
13 occurs at least three months after the proposed  
14 constitutional amendment is passed by the General Assembly.

15 (3) Submit the proposed constitutional amendment under  
16 section 1(3) of this resolution to the qualified electors of  
17 this Commonwealth as a separate ballot question at the first  
18 primary, general or municipal election which meets the  
19 requirements of and is in conformance with section 1 of  
20 Article XI of the Constitution of Pennsylvania and which  
21 occurs at least three months after the proposed  
22 constitutional amendment is passed by the General Assembly.

23 (4) Submit the proposed constitutional amendment under  
24 section 1(4) of this resolution to the qualified electors of  
25 this Commonwealth as a separate ballot question at the first  
26 primary, general or municipal election which meets the  
27 requirements of and is in conformance with section 1 of  
28 Article XI of the Constitution of Pennsylvania and which  
29 occurs at least three months after the proposed  
30 constitutional amendment is passed by the General Assembly.

1           (5) Submit the proposed constitutional amendment under  
2 section 1(5) of this resolution to the qualified electors of  
3 this Commonwealth as a separate ballot question at the first  
4 primary, general or municipal election which meets the  
5 requirements of and is in conformance with section 1 of  
6 Article XI of the Constitution of Pennsylvania and which  
7 occurs at least three months after the proposed  
8 constitutional amendment is passed by the General Assembly.

# **EXHIBIT B**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

July 18, 2022

Via Email

Members of the General Assembly:

As required by Section 801(b) of the Administrative Code of 1929, as amended, 71 P.S. § 271(b), this letter is to notify the General Assembly and others of the upcoming publication of the proposed constitutional amendments in Joint Resolution 2021-2 (formerly House Bill 14), and Joint Resolution 2022-1 (formerly Senate Bill 106). Pursuant to Article XI, Section 1 of the Pennsylvania Constitution, the Department of State will begin publication of the proposed constitutional amendments on August 2, 2022. The proposed constitutional amendment to Section 4 of Article IV of the Pennsylvania Constitution (found in paragraph 3 of section 1 of Joint Resolution 2022-1), relating to the method of selection of nominees for the office of Lieutenant Governor, *will not be* submitted to the electorate for approval at the 2022 General Election, because the substance of the proposed amendment was changed and thus the proposed amendment is still on first-passage.

The proposed amendments will be published in newspapers across the Commonwealth in each of the three months preceding the 2022 General Election on November 8, 2022. Publication is scheduled to occur on a date within the date ranges below, dependent on the publication schedule of each newspaper:

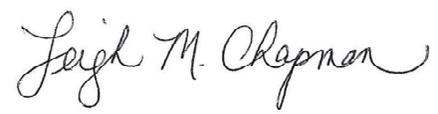
- August 2-7, 2022;
- September 1-7, 2022; and
- October 1-7, 2022.

As a courtesy, attached is a list of all the newspapers with the scheduled publication dates for each newspaper.

Additionally, the Department has submitted a notice to the Legislative Reference Bureau to be published in the Pennsylvania Bulletin with information on the date ranges for publication of the proposed constitutional amendments.

If you have any questions, please do not hesitate to reach out to Mike Chmielewski, Director of Legislative Affairs at 717-346-4392.

Thank you,

A handwritten signature in cursive script that reads "Leigh M. Chapman". The signature is fluid and elegant, with a prominent initial 'L' and a long, sweeping tail on the 'n'.

Leigh M. Chapman  
Acting Secretary of the Commonwealth

Enclosure

## Proposed Constitutional Amendment Ads JR 2021-2 and JR 2022-1

Newspaper	Run-date #1	Run-date #2	Run-date #3
Advance Pubs of Perry County	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Allentown Morning Call	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Allentown Morning Call - SPANISH Version Lehigh County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Altoona Mirror	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Beaver County Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Bedford Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Berks-Mont Newspaper Group	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Berks-Mont Newspaper Group - SPANISH Version Berks County	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Blairsville Dispatch	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Bloomsburg Press Enterprise	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Bradford Era	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Brookville Jeffersonian Democrat	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Bucks County Courier Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Butler Eagle	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Cameron County Echo	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Cameron County Endeavor	Saturday, August 6, 2022	Saturday, September 3, 2022	Saturday, October 1, 2022
Carlisle Sentinel	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Centre County Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Centre Daily Times	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Chambersburg Public Opinion	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Chester County Press	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Clarion News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Clearfield Progress	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Connellsville Daily Courier	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Corry Journal	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Cranberry Eagle	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Danville News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Delaware County Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Doylestown Intelligencer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Dubois Courier Express	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Dushore Sullivan Review	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Easton Express Times - PA Zone Only	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Ellwood City Ledger	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Emlenton Progress News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Erie Times News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Forest City News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Fulton County News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Gettysburg Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Greene County Messenger	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Greensburg Tribune Review	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Greenville Record Argus	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hanover Evening Sun	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Harrisburg Patriot News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hazleton Standard Speaker	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hummelstown Sun	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Huntingdon Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Indiana Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Johnstown Tribune Democrat	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Journal of the Pocono Plateau	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Kane Republican	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Kittanning Leader Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Latrobe Bulletin	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lebanon Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lehigh Valley Newspaper Group	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Lehigh Valley Newspaper Group - SPANISH Version Lehigh County	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Lehigh Valley Times News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Lewistown Sentinel	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lititz Record Express	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
LNP Media	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Lock Haven Express	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Mainline Newspapers	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
McMurray Almanac	Sunday, August 7, 2022	Sunday, September 4, 2022	Sunday, October 2, 2022
Meadville Tribune	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Meyersdale New Republic	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Milton Lewisburg Standard Journal	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Morrisons Cove Herald	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Muncy Luminary	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
New Bethlehem Leader Vindicator	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
New Castle News	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
New Pittsburgh Courier	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
News & Press of Delaware County	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022

## Proposed Constitutional Amendment Ads JR 2021-2 and JR 2022-1

Newspaper	Run-date #1	Run-date #2	Run-date #3
Norristown Times Herald/Lansdale Reporter	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Oil City Derrick/Franklin News Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Orbisonia Valley Log	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Philadelphia Al Dia - SPANISH Version	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Philadelphia Al Dia - ENGLISH Version	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Philadelphia Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Daily News - SPANISH Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Daily News - CHINESE Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer -SPANISH Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer -CHINESE Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Metro Chinese Weekly	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Philadelphia Tribune	Tuesday, August 2, 2022	Friday, September 2, 2022	Tuesday, October 4, 2022
Pike County Courier	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Pike County Dispatch	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Pittsburgh Post-Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Port Royal Times	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Potter Leader Enterprise	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Pottstown Mercury	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Pottsville Republican	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Punxsutawney Spirit	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reading Eagle	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reading Eagle - SPANISH Version Berks County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reedsville (Yeagertown) County Observer	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Renovo Record	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Ridgway Record	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Saxton Broad Top Bulletin	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Sayre Morning Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Scranton Times Tribune	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Shamokin News Item	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Sharon Herald	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Shippensburg News Chronicle	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Snyder County Times	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Somerset Daily American	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
South Schuylkill News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
St Mary's Daily Press	Tuesday, August 2, 2022	Thursday, September 1, 2022	Thursday, October 4, 2022
Stroudsburg Pocono Record	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Sunbury Daily Item	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Susquehanna County Independent	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Tionesta Forest Press	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Titusville Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Towanda Daily Review	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Tri-County Independent (New combined paper - formerly Carbondale News, Honesdale Wayne Independent, and Hawley News Eagle)	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Union County Times	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Uniontown Herald Standard	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Warren Times Observer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Washington Observer-Reporter	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Waynesboro Record Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wellsboro Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
West Chester Daily Local	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Westfield Free Press Courier	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Wilkes-Barre Citizens Voice	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wilkes-Barre Times Leader	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Williamsport Sun Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wyoming County Press Examiner	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
York Record Dispatch/Sunday News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022

# **EXHIBIT C**

## Proposed Constitutional Amendment Ads JR 2021-2 and JR 2022-1

Newspaper	Run-date #1	Run-date #2	Run-date #3
Advance Pubs of Perry County	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Allentown Morning Call	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Allentown Morning Call - SPANISH Version Lehigh County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Altoona Mirror	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Beaver County Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Bedford Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Berks-Mont Newspaper Group	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Berks-Mont Newspaper Group - SPANISH Version Berks County	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Blairsville Dispatch	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Bloomsburg Press Enterprise	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Bradford Era	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Brookville Jeffersonian Democrat	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Bucks County Courier Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Butler Eagle	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Cameron County Echo	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Cameron County Endeavor	Saturday, August 6, 2022	Saturday, September 3, 2022	Saturday, October 1, 2022
Carlisle Sentinel	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Centre County Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Centre Daily Times	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Chambersburg Public Opinion	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Chester County Press	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Clarion News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Clearfield Progress	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Connellsville Daily Courier	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Corry Journal	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Cranberry Eagle	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Danville News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Delaware County Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Doylestown Intelligencer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Dubois Courier Express	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Dushore Sullivan Review	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Easton Express Times - PA Zone Only	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Ellwood City Ledger	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Emlenton Progress News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Erie Times News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Forest City News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Fulton County News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Gettysburg Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Greene County Messenger	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Greensburg Tribune Review	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Greenville Record Argus	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Hanover Evening Sun	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Harrisburg Patriot News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hazleton Standard Speaker	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Hummelstown Sun	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Huntingdon Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Indiana Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Johnstown Tribune Democrat	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Journal of the Pocono Plateau	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Kane Republican	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Kittanning Leader Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Latrobe Bulletin	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lebanon Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lehigh Valley Newspaper Group	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Lehigh Valley Newspaper Group - SPANISH Version Lehigh County	Wed 8/3 & Thurs 8/4	Wed 9/7 & Thurs 9/1	Wed 10/5 & Thurs 10/6
Lehigh Valley Times News	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Lewistown Sentinel	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Lititz Record Express	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
LNP Media	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Lock Haven Express	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Mainline Newspapers	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
McMurray Almanac	Sunday, August 7, 2022	Sunday, September 4, 2022	Sunday, October 2, 2022
Meadville Tribune	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Meyersdale New Republic	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Milton Lewisburg Standard Journal	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Morrisons Cove Herald	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Muncy Luminary	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
New Bethlehem Leader Vindicator	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
New Castle News	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
New Pittsburgh Courier	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
News & Press of Delaware County	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022

## Proposed Constitutional Amendment Ads JR 2021-2 and JR 2022-1

Newspaper	Run-date #1	Run-date #2	Run-date #3
Norristown Times Herald/Lansdale Reporter	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Oil City Derrick/Franklin News Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Orbisonia Valley Log	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Philadelphia Al Dia - SPANISH Version	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Philadelphia Al Dia - ENGLISH Version	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Philadelphia Daily News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Daily News - SPANISH Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Daily News - CHINESE Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer -SPANISH Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Inquirer -CHINESE Version Philadelphia County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Philadelphia Metro Chinese Weekly	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Philadelphia Tribune	Tuesday, August 2, 2022	Friday, September 2, 2022	Tuesday, October 4, 2022
Pike County Courier	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Pike County Dispatch	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Pittsburgh Post-Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Port Royal Times	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Potter Leader Enterprise	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Pottstown Mercury	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Pottsville Republican	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Punxsutawney Spirit	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reading Eagle	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reading Eagle - SPANISH Version Berks County	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Reedsville (Yeagertown) County Observer	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Renovo Record	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Ridgway Record	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Saxton Broad Top Bulletin	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Sayre Morning Times	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Scranton Times Tribune	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Shamokin News Item	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Sharon Herald	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Shippensburg News Chronicle	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Snyder County Times	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Somerset Daily American	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
South Schuylkill News	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
St Mary's Daily Press	Tuesday, August 2, 2022	Thursday, September 1, 2022	Thursday, October 4, 2022
Stroudsburg Pocono Record	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Sunbury Daily Item	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Susquehanna County Independent	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Tionesta Forest Press	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
Titusville Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Towanda Daily Review	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Tri-County Independent (New combined paper - formerly Carbondale News, Honesdale Wayne Independent, and Hawley News Eagle)	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Union County Times	Friday, August 5, 2022	Friday, September 2, 2022	Friday, October 7, 2022
Uniontown Herald Standard	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Warren Times Observer	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Washington Observer-Reporter	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Waynesboro Record Herald	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wellsboro Gazette	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
West Chester Daily Local	Tuesday, August 2, 2022	Tuesday, September 6, 2022	Tuesday, October 4, 2022
Westfield Free Press Courier	Thursday, August 4, 2022	Thursday, September 1, 2022	Thursday, October 6, 2022
Wilkes-Barre Citizens Voice	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wilkes-Barre Times Leader	Wednesday, August 3, 2022	Thursday, September 1, 2022	Wednesday, October 5, 2022
Williamsport Sun Gazette	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022
Wyoming County Press Examiner	Wednesday, August 3, 2022	Wednesday, September 7, 2022	Wednesday, October 5, 2022
York Record Dispatch/Sunday News	Tuesday, August 2, 2022	Thursday, September 1, 2022	Tuesday, October 4, 2022

## CERTIFICATE OF SERVICE

I certify that I served the foregoing document on the individuals and in the manner reflected below, which service satisfies the requirements of Pa. R.A.P. 121 via PACFile:

Gregory G. Schwab, General Counsel  
Governor's Office of General Counsel  
333 Market St., 17th Fl  
Harrisburg, PA 17126-0333  
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Joshua J. Voss  
Shohin H. Vance  
Kleinbard, LLC  
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*Counsel for Possible Intervenors  
Pa. Senate Republican Caucus and  
Kim Ward*

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Lam D. Truong  
Matthew S. Salkowski  
Pa. House of Representatives  
House Democratic Caucus  
Office of Chief Counsel  
620 Main Capitol Building  
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*Counsel for Possible Intervenor  
Pa. House Democratic Caucus and  
Joanna E. McClinton*

Daniel T. Brier  
Donna A. Walsh  
John B. Dempsey  
Richard L. Armezzani  
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425 Spruce St., Suite 200  
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*Counsel for Possible Intervenors  
Pa. Senate Democratic Caucus and Costa*

Dated: Aug. 17, 2022

/s/Erik R. Anderson

Erik R. Anderson