

NOTICE TO PLEAD

To PETITIONERS: You are hereby notified to plead to the enclosed New Matter within twenty days from service hereof or a default judgment may be entered against you.

/s/ Scot R. Withers
Scot R. Withers, *Counsel for Respondent Party Intervenors*

**IN THE
COMMONWEALTH COURT OF PENNSYLVANIA**

LEAGUE OF WOMEN VOTERS OF	:	No. 578 M.D. 2019
PENNSYLVANIA and LORRAINE	:	
HAW,	:	
	:	
<i>Petitioners</i>	:	
	:	
v.	:	
	:	
KATHY BOOCKVAR, THE	:	
ACTING SECRETARY OF THE	:	
COMMONWEALTH,	:	
	:	
<i>Respondent</i>	:	

ANSWER AND NEW MATTER OF RESPONDENT PARTY INTERVENORS, SHAMEEKAH MOORE, MARTIN VICKLESS, KRISTIN JUNE IRWIN AND KELLY WILLIAMS, TO PETITION FOR REVIEW ADDRESSED TO THIS COURT’S ORIGINAL JURISDICTION

Pursuant to Pa.R.A.P. 1516(b), Respondent Party Intervenors, Shameekah Moore, Martin Vickless, Kristin June Irwin and Kelly Williams, hereby respond to the Petition for Review Addressed to this Court's Original Jurisdiction, in accordance with the numbered paragraphs thereof, as follows:

1. Denied as conclusions of law to which no responses are required.

2. Denied as conclusions of law to which no responses are required. To the extent an answer would be deemed required, the challenged ballot question speaks for itself, and Petitioners' characterizations of same accordingly are denied.

3-4. Denied as conclusions of law to which no responses are required.

5-8. Denied. After reasonable investigation, Intervenors are without knowledge sufficient to form a belief as to the truth of the allegations contained in these paragraphs, which allegations accordingly are denied.

9. Denied as conclusions of law to which no responses are required.

10. Admitted. The allegation contained in this paragraph has been stipulated to by all parties.

11-17. Denied. After reasonable investigation, Intervenors are without knowledge sufficient to form a belief as to the truth of the allegations contained in these paragraphs, which allegations accordingly are denied.

18-31. Admitted.

32. Denied as conclusions of law to which no responses are required.

33. Denied. After reasonable investigation, Intervenors are without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph, which allegations accordingly are denied.

COUNT I

34. Paragraphs 1 through 33, above, are incorporated herein by reference as if set forth in full here at length.

35-44. Denied as conclusions of law to which no responses are required.

WHEREFORE, Respondent Party Intervenors respectfully request that this Honorable Court deny Petitioners' request for a declaratory judgment that the ballot question violates the single subject requirement of Article XI, § 1 of the Pennsylvania Constitution, and also deny Petitioners' ancillary request for a permanent injunction invalidating any votes cast for or against the November 2019 ballot question.

COUNT II

45. Paragraphs 1 through 44, above, are incorporated herein by reference as if set forth in full here at length.

46. Denied as conclusions of law to which no responses are required.

WHEREFORE, Respondent Party Intervenors respectfully request that this Honorable Court deny Petitioners' request for a declaratory judgment that the ballot question violates the requirement of Article XI, § 1 of the Pennsylvania

Constitution that the “proposed amendment or amendments shall be submitted to the qualified electors of the State”, and also deny Petitioners’ ancillary request for a permanent injunction invalidating any votes cast for or against the November 2019 ballot question.

Count III

47. Paragraphs 1 through 46, above, are incorporated herein by reference as if set forth in full here at length.

48-54. Denied as conclusions of law to which no responses are required.

WHEREFORE, Respondent Party Intervenors respectfully request that this Honorable Court deny Petitioners’ request for a declaratory judgment that the ballot question violates the “electorate’s right to be fully informed of the question to be voted on because it does not fairly, accurately, and clearly apprise voters of the issue”, and also deny Petitioners’ ancillary request for a permanent injunction invalidating any votes cast for or against the November 2019 ballot question.

New Matter

55. Paragraphs 1 through 54, above, are incorporated herein by reference as if set forth in full here at length.

56. Respondent Party Intervenor Shameekah Moore is a qualified elector of the Commonwealth of Pennsylvania, residing in Philadelphia County at 2106

East Cambria Street, Philadelphia, PA 19134, and is registered to vote as a member of the Democratic Party.

57. Respondent Party Intervenor Shameekah Moore's son was murdered.

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

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

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

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

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

63. Respondent Party Intervenor Kelly Williams is a sexual assault survivor and an advocate for sexual assault survivors.

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

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

66. The interest sought to be protected by Respondent Party Intervenor in these Original Jurisdiction Petition for Review proceedings is the fundamental right to vote.

67. Respondent Party Intervenor's fundamental right to vote is a personal and individual right, to be exercised in a free and unimpaired manner, in accordance with the Constitution and laws of the Commonwealth.

68. Respondent Party Intervenor's fundamental right to vote is pervasive of other basic civil and political rights, and is the bedrock of our free political system.

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

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

71. The proposed constitutional amendment is sufficiently interrelated so as to justify inclusion in a single question and does not facially affect other parts of the Constitution. Therefore, the proposed amendment does not violate the single-subject requirement of Article XI, § 1 of the Pennsylvania Constitution.

72. Article XI, § 1 of the Pennsylvania Constitution does not require that the November 2019 ballot question contain the full text of the proposed constitutional amendment.

73. The November 2019 ballot question fairly and accurately reflects the proposed amendment.

Respectfully submitted,

LAMB McERLANE PC

Dated: November 12, 2019

By: /s/ Scot R. Withers

Scot R. Withers

I.D. No. 84309

William R. Christman

I.D. No. 318827

24 E. Market Street, Box 565

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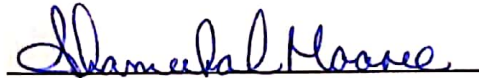
(610) 430-8000

*Counsel for Respondent Party
Intervenors, Shameekah Moore,
Martin Vickless, Kristin June Irwin
and Kelly Williams*

VERIFICATION

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

Date: November 12, 2019


Shameekah Moore

PUBLIC ACCESS POLICY CERTIFICATE OF COMPLIANCE

It is hereby certified by the undersigned that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

LAMB McERLANE PC

Dated: November 12, 2019

By: /s/ Scot R. Withers

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