

[J-79-2024]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

BLACK POLITICAL EMPOWERMENT : No. 68 MAP 2024
PROJECT, POWER INTERFAITH, MAKE :
THE ROAD PENNSYLVANIA, ONEPA : Appeal from the Order of the
ACTIVISTS UNITED, NEW PA PROJECT : Commonwealth Court at No. 283
EDUCATION FUND, CASA SAN JOSÉ, : MD 2024 dated August 30, 2024.
PITTSBURGH UNITED, LEAGUE OF :
WOMEN VOTERS OF PENNSYLVANIA, : SUBMITTED: September 4, 2024
AND COMMON CAUSE PENNSYLVANIA :
:

v.

AL SCHMIDT, IN HIS OFFICIAL CAPACITY :
AS SECRETARY OF THE :
COMMONWEALTH, PHILADELPHIA :
COUNTY BOARD OF ELECTIONS, AND :
ALLEGHENY COUNTY BOARD OF :
ELECTIONS :

APPEAL OF: REPUBLICAN PARTY OF :
PENNSYLVANIA AND REPUBLICAN :
NATIONAL COMMITTEE :

DISSENTING STATEMENT

JUSTICE WECHT

Decided: September 13, 2024

I respectfully dissent from today’s Order vacating the Commonwealth Court’s decision below, which held that strict enforcement of the Election Code’s requirement that electors write the date on the envelope of their absentee or mail-in ballot violates the Free and Equal Elections clause of the Pennsylvania Constitution.¹ A prompt and definitive ruling on the constitutional question presented in this appeal is of paramount public

¹ See PA. CONST. art. I, § 5.

importance inasmuch as it will affect the counting of ballots in the upcoming general election. Therefore, I would exercise this Court's King Bench authority over the instant dispute and order that the matter be submitted on the briefs.²

I respectfully dissent.

Chief Justice Todd and Justice Donohue join this dissenting statement.

² 42 Pa.C.S. § 502 (setting forth this Court's King's Bench authority); *Commonwealth v. Chimenti*, 507 A.2d 79 (Pa. 1986) (discussing this Court's authority to *sua sponte* exercise King's Bench jurisdiction).