

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

LEAGUE OF WOMEN VOTERS OF	:	
PENNSYLVANIA <i>and</i> LORRAINE	:	
HAW,	:	
	:	Petitioners
	:	No. 578 MD 2019
	:	
v.	:	
	:	
KATHY BOOCKVAR, The Acting	:	Electronically Filed Document
Secretary of the Commonwealth,	:	
Respondent	:	

ANSWER & NEW MATTER

Respondent, Kathy Boockvar, the Acting Secretary of the Commonwealth (“Respondent” or “Acting Secretary”), hereby submits this Answer and New Matter to the Petition for Review filed by Petitioners, League of Women Voters and Lorraine Haw (“Petitioners” or “the League”), as follows.

1. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED. By way of further response, the ballot question proposes a single amendment to the Pennsylvania Constitution—the Crime Victims’ Rights Amendment. Moreover, the ballot question fairly and accurately reflects the Amendment. It is strictly DENIED that there is a constitutional requirement that the entire text of a proposed amendment be set forth in a ballot question, as incorrectly implied by the Petitioners.

2. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED. By way of further response, the Crime Victims' Rights Amendment is a document that speaks for itself, and the Petitioners' characterizations of the same are strictly DENIED.

3. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED. By way of further response, the Crime Victims' Rights Amendment does not infringe or alter the existing rights of an accused or convicted individual in any manner.

4. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED. By way of further response, the ballot question is a valid exercise of the constitutional prerogative of the electorate to make an important amendment to the Constitution to the benefit of crime victims.

5. DENIED. After reasonable investigation, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations related to the identity and purpose of the Petitioner, so those allegations are DENIED.

6. DENIED. After reasonable investigation, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations related to the identity and purpose of the Petitioner, so those allegations are DENIED.

7. DENIED. After reasonable investigation, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations related to the identity and purpose of the Petitioner, so those allegations are DENIED.

8. DENIED. After reasonable investigation, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations related to the identity and purpose of the Petitioner, so those allegations are DENIED.

9. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

10. ADMITTED.

11. DENIED. After reasonable investigation, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph, so they are DENIED.

12. DENIED. After reasonable investigation, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph, so they are DENIED.

13. DENIED. After reasonable investigation, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph, so they are DENIED.

14. DENIED. After reasonable investigation, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph, so they are DENIED.

15. DENIED. After reasonable investigation, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations of this Paragraph, so they are DENIED.

16. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

17. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

18. ADMITTED.

19. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

20. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

21. ADMITTED.

22. ADMITTED.

23. ADMITTED.

24. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

25. ADMITTED.

26. DENIED. Joint Resolution 2019-1 is a writing that speaks for itself, and Petitioners' characterization of the same is DENIED.

27. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

28. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

29. DENIED. The Plain English Statement is a writing that speaks for itself, and Petitioners' characterization of the same is DENIED.

30. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED. By way of further response, the ballot question is a writing that speaks for itself, and Petitioners' characterization of the same is DENIED.

31. ADMITTED. By way of further response, this information was made available months prior to Petitioners' lawsuit.

32. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

33. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

COUNT I

34. Respondent hereby incorporates the foregoing Paragraphs as if set forth more fully herein.

35. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

36. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

37. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

38. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

39. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

40. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

41. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

42. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

43. (a-f). DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

44. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED. By way of further response, the ballot question is a valid exercise of the constitutional prerogative of the electorate to make an important amendment to the Constitution to the benefit of crime victims.

COUNT II

45. Respondent hereby incorporates the foregoing Paragraphs as if set forth more fully herein.

46. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED. By way of further response, it is strictly DENIED that it is necessary for an amendment to be set forth in its entirety in a ballot question. Petitioners flatly ignore the plain language of the Constitution and well-established case law establishing that it is the prerogative of the General Assembly to prescribe the manner of amendments. There is no requirement that a ballot question contain the full text of an amendment.

COUNT III

47. Respondent hereby incorporates the foregoing Paragraphs as if set forth more fully herein.

48. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

49. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

50. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

51. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

52. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

53. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

54. DENIED. The allegations of this Paragraph set forth conclusions of law to which no factual response is deemed necessary. To the extent the allegations are deemed factual in nature, they are DENIED.

NEW MATTER

55. Respondent hereby incorporates the foregoing Paragraphs as if set forth more fully herein.

56. The ballot question is a valid exercise of the constitutional prerogative of the electorate to make an important amendment to the Constitution to the benefit of crime victims.

57. The ballot question satisfies the Pennsylvania Constitution. It proposes a single amendment that adds one section to the Constitution, setting forth crime victims' rights.

58. The Amendment does not, patently or latently, amend any pre-existing provisions of the Constitution, and does not detract from an accused or convicted person's rights.

59. There is no requirement that the ballot question set forth the entire text of the proposed amendment.

60. The ballot question, as posed, fairly and accurately reflects the Amendment, which is all that the law requires.

61. The Amendment is not self-executing because it expressly requires enabling legislation to aid in implementation.

62. Petitioners have not and will not suffer harm.

Respectfully submitted,

**JOSH SHAPIRO
Attorney General**

By: s/ Caleb C. Enerson

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Date: November 12, 2019

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