

SUPREME COURT OF PENNSYLVANIA

Grimaud v. Commonwealth, 581 Pa. 398

865 A.2d 835 (2005) · No. No. 126 MAP 2002 · Decided January 18, 2005

SUMMARY

The Supreme Court of Pennsylvania upheld 1998 constitutional amendments concerning bail and the Commonwealth's right to trial by jury. The court held that the ballot questions satisfied the separate-vote requirement of Article XI, Section 1, that the Attorney General's plain-English statements were sufficient, and that the General Assembly complied with applicable constitutional amendment procedures. The court affirmed the Commonwealth Court's grant of summary judgment for the Commonwealth.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Eakin; Cappy, C.J.; Castille, J.; Nigro, J.; Newman, J.; Saylor, J.; Eakin, J.; Baer, J.
JURISDICTION	Pennsylvania
DECIDED	January 18, 2005
DOCKET	No. 126 MAP 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellants sought declaratory relief in the Pennsylvania Commonwealth Court, challenging the validity of 1998 constitutional amendments concerning bail and the Commonwealth's right to a jury trial. After the Commonwealth Court, sitting en banc, granted the Commonwealth's motion for summary judgment and upheld the amendments, appellants appealed to the Supreme Court of Pennsylvania.
STANDARD OF REVIEW	The court reviewed the constitutional validity of the amendments and the grant of summary judgment de novo.
PRECEDENTIAL VALUE	Published precedential decision of the Supreme Court of Pennsylvania; the opinion is per curiam, with a concurring and dissenting opinion.
PARTIES	Gerald C. Grimaud, John G. Bergdoll, Matthew R. Battersby v. Commonwealth of Pennsylvania, Honorable Yvette Kane, Secretary of

TOPICS

constitutional law election law bail criminal procedure

PRACTICE AREAS

constitutional law election law criminal procedure

QUESTIONS PRESENTED

1. Whether the bail amendment violated Article XI, section 1 of the Pennsylvania Constitution by combining multiple constitutional changes in a single ballot question.
2. Whether the jury-trial amendment violated Article XI, section 1 by combining multiple constitutional changes in a single ballot question.
3. Whether the Attorney General's plain-English statements adequately stated the purpose, limitations, and effects of the amendments under 25 P.S. § 2621.1.
4. Whether the joint resolutions passed in successive legislative sessions were sufficiently identical and competently formatted to satisfy Article XI, section 1.
5. Whether alleged defects in the internal legislative voting procedure presented a nonjusticiable political question.

HOLDINGS

1. A ballot question complies with Article XI, section 1 when the proposed constitutional changes are sufficiently interrelated and concern a single subject. The bail amendment concerned the single subject of bail and was properly submitted as one ballot question.
2. An amendment violates the separate-vote requirement based on its effect on other constitutional provisions only when it facially or patently affects those provisions; a merely possible or implicit effect is insufficient.
3. The Attorney General's plain-English statement satisfied 25 P.S. § 2621.1 by adequately describing the purpose, limitations, and effects of the bail amendment; the statute does not require a comprehensive treatise on every possible consequence.
4. The joint resolutions complied with Article XI, section 1 where the same proposed amendments were agreed upon in two successive legislative sessions, the operative language was identical, and any formatting defects did not make the resolutions incomprehensible.
5. The jury-trial ballot question presented a single substantive amendment and did not facially amend other constitutional provisions; therefore, it complied with Article XI, section 1.
6. Where Article XI, section 1 does not prescribe a specific internal legislative voting procedure beyond its express requirements, a challenge to the legislature's exercise of that constitutionally committed authority presents a nonjusticiable political question.

KEY QUOTATIONS

“We are persuaded by Justice Saylor's concurrence suggesting “a subject-matter focus to determine whether alterations are sufficiently interrelated to justify their presentation to the electorate in a single question.””
(865 A.2d at 841)

“A comprehensive recitation of all ramifications of a constitutional amendment is not the goal of this summary—such a comprehensive consideration lies in the legislative history. The Attorney General is to present a “statement,” not a treatise.” (865 A.2d at 844)

“A challenge to the Legislature's exercise of a power which the Constitution commits exclusively to the Legislature presents a non-justiciable “political question”. ” (865 A.2d at 847)

FACTUAL BACKGROUND

In the 1998 general election, Pennsylvania voters approved amendments to Article I, section 14, concerning when bail may be denied, and Article I, section 6, concerning the Commonwealth's right to trial by jury. The General Assembly had passed corresponding joint resolutions in successive legislative sessions, and the Attorney General prepared plain-English statements describing the proposed amendments. Appellants challenged the amendments as violating the Pennsylvania Constitution's separate-vote requirement, as inadequately described to voters, and as improperly approved by the General Assembly.

PROCEDURAL HISTORY

The Commonwealth Court granted the Commonwealth's motion for summary judgment and denied appellants' cross-motion, holding that the ballot questions each submitted a single amendment, that the Attorney General's plain-English statements were adequate, and that the General Assembly complied with constitutional amendment procedures. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Pennsylvania Prison Society v. Commonwealth*, 565 Pa. 526, 776 A.2d 971 (2001)
- *Korte v. Bayless*, 16 P.3d 200, 203-205 (Ariz. 2001)
- *Clark v. State Canvassing Board*, 888 P.2d 458, 462 (N.M. 1995)
- *Sears v. State*, 208 S.E.2d 93, 100 (Ga. 1974)
- *Fugina v. Donovan*, 104 N.W.2d 911, 914 (Minn. 1960)
- *Manduley v. Superior Court*, 27 Cal. 4th 537, 117 Cal. Rptr. 2d 168, 41 P.3d 3, 28 (2002)
- *Fine v. Firestone*, 448 So. 2d 984, 990 (Fla. 1984)
- *Commonwealth v. Truesdale*, 449 Pa. 325, 296 A.2d 829, 836 (1972)
- *Lincoln Party v. General Assembly*, 682 A.2d 1326, 1332 (Pa. Cmwlth. 1996)
- *Mellow v. Pizzingrilli*, 800 A.2d 350, 359 (Pa. Cmwlth. 2002)

- Commonwealth v. Tharp, 562 Pa. 231, 754 A.2d 1251, 1254 (2000)
- Kremer v. Grant, 529 Pa. 602, 606 A.2d 433, 436 (1992)
- Sweeney v. Tucker, 473 Pa. 493, 375 A.2d 698, 705 (1977)
- City of Philadelphia v. Commonwealth, 575 Pa. 542, 838 A.2d 566, 580-581 (2003)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/pennsylvania-supreme-court-of-pennsylvania/2005/grimaud-v-commonwealth-581-pa-398-3js0dj0>