

SUPREME COURT OF PENNSYLVANIA

Working Families Party v. Commonwealth

209 A.3d 270 (Pa. 2019) · No. No. 34 EAP 2017 · Decided June 5, 2019

SUMMARY

The Pennsylvania Supreme Court considers whether provisions of the Pennsylvania Election Code prohibiting fusion, or the cross-nomination of the same candidate by multiple political organizations, violate the federal and Pennsylvania Constitutions. The Court addresses equal protection, speech and associational rights, and the Free and Equal Elections Clause, as well as the timeliness of the appeal. The appeal arises from the rejection of nomination papers submitted by the Working Families Party for Christopher M. Rabb.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Mundy; Chief Justice Saylor; Justice Baer; Justice Todd; Justice Donohue; Justice Dougherty; Justice Wecht
JURISDICTION	Pennsylvania
DECIDED	June 5, 2019
DOCKET	No. 34 EAP 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the Commonwealth Court's final order denying appellants' application for summary relief and granting the Commonwealth's cross-application for summary relief in a constitutional declaratory-judgment action challenging Pennsylvania's anti-fusion election statutes.
STANDARD OF REVIEW	Constitutional challenges are reviewed under a strong presumption that statutes are constitutional; legislation will be invalidated only when it clearly, palpably, and plainly violates the Constitution. The equal-protection claim was analyzed under intermediate scrutiny to the extent the statutes and precedent were viewed as creating a disparate impact.
PRECEDENTIAL VALUE	Published Pennsylvania Supreme Court opinion; precedential.
PARTIES	Working Families Party, Christopher M. Rabb, Douglas B. Buchholz, Kenneth G. Beiser v. Commonwealth of Pennsylvania, Robert Torres,

in his official capacity as Acting Secretary of the Commonwealth of Pennsylvania, Jonathan M. Marks, in his official capacity as Commissioner, Bureau of Commissions, Elections and Legislation, Department of State

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QUESTIONS PRESENTED

1. Whether the appeal from the Commonwealth Court was timely under the Pennsylvania Rules of Appellate Procedure.
2. Whether Pennsylvania's statutory ban on fusion or cross-nomination violated the Free and Equal Elections Clause of the Pennsylvania Constitution.
3. Whether the anti-fusion statutes, considered facially or in conjunction with Appeal of Magazzu, violated the Equal Protection Clause of the Fourteenth Amendment.
4. Whether the anti-fusion statutes violated the Free Speech and Association Clauses of the Pennsylvania Constitution.

HOLDINGS

1. The appeal was timely because it challenged the constitutionality of Election Code provisions through a declaratory-judgment action and therefore was subject to the thirty-day appeal period applicable to declaratory-judgment matters, rather than the ten-day period for matters arising under the Election Code.
2. Pennsylvania's anti-fusion provisions do not violate Article I, Section 5 of the Pennsylvania Constitution because they do not dilute appellants' votes or deny them an equal opportunity to participate in the electoral process.
3. The anti-fusion provisions do not violate the Fourteenth Amendment's Equal Protection Clause. The statutes are facially neutral and apply equally to political parties and political bodies; even assuming a disparate impact, the provisions are substantially related to an important governmental interest.
4. The anti-fusion provisions do not violate Article I, Sections 7 or 20 of the Pennsylvania Constitution because they do not prevent appellants from selecting, endorsing, campaigning for, associating with, or voting for their preferred candidate.

KEY QUOTATIONS

“the overarching objective of [Article I, Section 5] of our constitution is to prevent dilution of an individual's vote by mandating that the power of his or her vote in the selection of representatives be equalized to the greatest degree possible with all other Pennsylvania citizens.” (282)

“Because Appellants have failed to establish that the challenged anti-fusion provisions of the Election Code clearly, palpably and plainly violate the equal protection clause of the United States Constitution or Article I, Sections 5, 7, and 20 of the Pennsylvania Constitution, the order of the Commonwealth Court is affirmed.”
(286)

FACTUAL BACKGROUND

Christopher Rabb won the Democratic Party nomination for Pennsylvania's 200th Legislative District in the April 2016 primary. The Working Families Party later circulated nomination papers seeking to nominate Rabb for the same general-election race and submitted papers bearing 958 signatures, but Rabb altered the statutory affidavit to challenge the anti-fusion requirements. The Department of State rejected the papers because the affidavit was altered and Rabb had already been presented as a candidate in the primary.

PROCEDURAL HISTORY

Appellants challenged the rejection of Christopher Rabb's nomination papers seeking to place him on the general-election ballot as both the Democratic Party and Working Families Party candidate. The Commonwealth Court dismissed the mandamus count and later granted the Commonwealth summary relief on the declaratory-judgment count, rejecting the federal and state constitutional challenges. The Pennsylvania Supreme Court held that the appeal was timely because the action sought a constitutional determination rather than enforcement or interpretation of the Election Code, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Working Families Party v. Commonwealth, 169 A.3d 1247 (Pa. Cmwlth. 2017) (en banc)
- Appeal of Magazzu, 49 A.2d 411 (Pa. 1946)
- In re Street, 451 A.2d 427 (Pa. 1982)
- Reform Party of Allegheny County v. Allegheny County Department of Elections, 174 F.3d 305 (3d Cir. 1999)
- League of Women Voters v. Commonwealth, 178 A.3d 737 (Pa. 2018)
- Timmons v. Twin Cities Area New Party, 520 U.S. 351 (1997)
- Konidaris v. Portnoff Law Associates, Ltd., 953 A.2d 1231 (Pa. 2008)
- Commonwealth v. McMullen, 961 A.2d 842 (Pa. 2008)
- Pennsylvanians Against Gambling Expansion Fund, Inc. v. Commonwealth, 877 A.2d 383 (Pa. 2005)
- In re William L., 383 A.2d 1228 (Pa. 1978)
- Patterson v. Barlow, 60 Pa. 54 (1869)
- Winston v. Moore, 91 A. 520 (Pa. 1914)
- Shankey v. Staisey, 257 A.2d 897 (Pa. 1969)

- James v. Southeastern Pennsylvania Transportation Authority, 477 A.2d 1302 (Pa. 1984)
- Commonwealth v. Edmunds, 586 A.2d 887 (Pa. 1991)
- Pap's A.M. v. City of Erie, 812 A.2d 591 (Pa. 2002)
- DePaul v. Commonwealth, 969 A.2d 536 (Pa. 2009)
- Commonwealth v. Tate, 432 A.2d 1382 (Pa. 1981)
- New York Times Co. v. Sullivan, 376 U.S. 254 (1964)

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