

IN THE SUPREME COURT OF PENNSYLVANIA

Docket No. 73 MM 2022

TOM WOLF, GOVERNOR OF THE COMMONWEALTH OF
PENNSYLVANIA, AND LEIGH M. CHAPMAN, ACTING SECRETARY OF
THE COMMONWEALTH OF PENNSYLVANIA,

Petitioners,

v.

GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA,

Respondent.

**APPLICATION FOR LEAVE TO INTERVENE
BY THE LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA,
SAJDA ADAM AND SIMONE ROBERTS**

The League of Women Voters of Pennsylvania, Sajda Adam, and Simone Roberts (“Applicants”) submit this Application for Leave to Intervene as co-Petitioners in the above matter pursuant to Pennsylvania Rule of Appellate Procedure 1531(b) and Pennsylvania Rules of Civil Procedure 2327-2329.

I. INTRODUCTION AND BACKGROUND FACTS

A. Senate Bill 106

1. Late in the hours of Friday, July 8, 2022, after extending the legislative session purportedly to pass budget legislation and immediately prior to breaking for summer recess, the General Assembly of the Commonwealth of Pennsylvania (the “General Assembly”) hastily passed Senate Bill 106 (“SB 106”)—a single resolution proposing a collection of various amendments to the Pennsylvania Constitution that are not interrelated in scope or function, but which SB 106 describes as “separate and distinct amendments” to the Pennsylvania Constitution.

2. As adopted, SB 106’s proposed amendments span multiple disparate topics, and include such matters as the Governor’s veto right, a statement regarding a Pennsylvanian’s right to an abortion and public funding for the procedure, the responsibility for auditing elections, the powers and process for selecting the Lieutenant Governor, voter identification requirements, voter age and residency requirements, and other matters. SB 106 further provides that each of these

questions would be presented as “separate ballot question[s]” to the qualified electors, which could occur as early as May 16, 2023.

3. On July 28, 2022, Governor Wolf and Acting Secretary of the Commonwealth Leigh M. Chapman filed an Application for Invocation of King’s Bench Power (the “King’s Bench Petition”), asking this Court to declare SB 106 invalid and enjoin further action on the proposed constitutional amendments on the grounds that the General Assembly sidestepped the procedures set forth in Article XI, § 1 of the Pennsylvania Constitution by ramming through—in a single resolution—an amendment package that significantly abridges citizens’ free and equal rights to vote and their inherent and inalienable rights to privacy and the pursuit of happiness, and that impinges on the constitutional separation of powers.

B. The League’s Organizational Mission is to Educate and Empower Pennsylvania’s Voters while Defending Against Disenfranchisement.

4. The League of Women Voters is a nationwide, nonpartisan grassroots organization of women and men who believe that through informed action, people can make profound changes in their communities. The League of Women Voters of Pennsylvania (the “League”) is the Pennsylvania state chapter of the League of Women Voters.

5. As an organization that promotes American democracy amongst Pennsylvanians by encouraging informed and active participation in government,

the League dedicates substantial resources to empowering voters by increasing their understanding of major public policy issues, while influencing public policy through education and advocacy.

6. The ultimate goal of the League and its members is to create an informed, empowered citizenry and a responsible, responsive government. Its mission is to empower voters and defend democracy. The League promotes political responsibility through informed and active participation in government and acts on selected public issues. It impacts public policies, promotes citizen education, and makes democracy work by, among other things, removing unnecessary barriers to full participation in the electoral process. The League has pursued legal action against Pennsylvania officials to achieve these goals.¹ Accordingly, the League has a strong interest in this matter.

7. The League does not support or oppose any political party or candidate but does take—and has always taken—stands on issues its members have studied. The League frequently takes positions on issues such as voting and

¹ See, e.g., *League of Women Voters of Pa. v. DeGraffenreid*, 265 A.3d 207 (Pa. 2021) (holding that proposed multiple constitutional changes must be interrelated to allow their presentation on a single ballot question and permanently enjoining Secretary of the Commonwealth from certifying election results where proposed amendment violated separate-vote requirement of PA Constitution); *League of Women Voters of Pa. v. Commonwealth*, 175 A.3d 282, 284 (Pa. 2018) (invalidating 2011 congressional map); *Common Cause of Pa. v. Commonwealth*, C.A. No. 1:CV 05-2036, 2005 WL 3136666 (M.D. Pa. Oct. 6, 2005), ECF No. 1 (along with other organizational and individual plaintiffs, challenging Pennsylvania statute conferring pay raise to legislators, judges, and other elected officials).

election reforms, criminal justice reform, fair funding for education protection, and more.

8. The League represents, and has as members, constituents throughout the Commonwealth who are currently eligible voters. The League is, therefore, particularly well-suited to advancing and protecting their voting interests in Pennsylvania elections.²

C. SB 106 Seeks to Deprive Certain of Pennsylvania’s Voters of their Right to Vote.

9. The League and the members it represents have a substantial, direct and immediate interest in this case because SB 106—by both its defective passage and unconstitutional substance—tramples on fundamental rights guaranteed to this Commonwealth’s voters by their Constitution and, if allowed to proceed, will certainly cause voter confusion regarding certain of the issues addressed by its proposed amendments to the Constitution. Blatant attempts such as this one that deprive voters of their constitutionally guaranteed rights, including, but not limited to, their right to vote, their right to know how their representatives voted on each proposed amendment contained in SB 106 for purposes of the upcoming

² On August 18, 2022, this Court denied two applications to intervene—one principally for the Democratic Caucus of the General Assembly and one principally for the Republican Caucus of the General Assembly. Unlike those proposed intervenors, the League and the individuals Applicants are neither a separate faction of the General Assembly nor a member of the political class. Instead, they are voters and voter representatives with their own separate interests in the litigation.

November election, their right to separate questions on SB 106's abortion-related amendments, and their right to separately vote on each potential change to the Pennsylvania Constitution, speak to the core of the League's mission.

10. The League has expended, and expects it will continue to expend, significant time and money working to educate voters of the multitude of constitutionally defective issues surrounding SB 106's substance and passage. If SB 106 is not struck down now, the League will spend exponentially more resources in attempting to undo the confusion it inevitably will cause and educate voters as to why this single package of at least five constitutional amendments to be presented on the ballot as soon as May 2023 represents a major derogation and erosion of their voting rights.

11. Accordingly, for the reasons stated above and as further discussed herein, the League seeks leave to intervene to assert the interests of the organization and its members.

12. Applicant Sajda Adam is a Pennsylvania citizen currently attending school at Drexel University in Philadelphia County whose fundamental right to vote would be affected by a grant or denial of Petitioners' requested relief. Ms. Adam is 19 years old.

13. Applicant Simone Roberts is a Pennsylvania citizen currently attending school at Susquehanna University in Snyder County whose fundamental

right to vote would be affected by a grant or denial of Petitioners' requested relief.

Ms. Roberts is 18 years old.

14. In addition to the arguments raised in the King's Bench Petition, the Applicants contend that the proposed amendments to Article VII, § 1 of the Pennsylvania Constitution, as set forth in SB 106, will confuse Pennsylvania voters in ways that violate the both the Pennsylvania and United States Constitutions.

15. SB 106 creates confusion because it asks Pennsylvania voters to affirmatively assent to amendments to Article VII, § 1 which *directly* violate rights conferred by the United States Constitution and federal law, and by the Pennsylvania Constitution and Pennsylvania Election Code. In other words, SB 106 creates voter confusion by asking voters to consider and vote on amendments to the Pennsylvania Constitution that *cannot* be the constitutional law of Pennsylvania. Indeed, the very act of the publication of SB 106 by the Secretary of the Commonwealth, as required by Article XI, § 1 of the Pennsylvania Constitution, is in and of itself an act of misinformation that will confuse voters.

16. Specifically, SB 106 asks voters to affirm that, in this Commonwealth, the voting age is 21. It inserts a subsection "(A)" in front of the first clause of the original section of Article VII, § 1 that states that the voting age in the Commonwealth is 21 and then inserts, as a new subsection "(B)," a provision regarding voter identification that begins "*In addition* to the

qualifications under subsection (A) of this section” See S.B. 106, No. 1857 (Exhibit B to the Petition for Review), at 4:16 (2022) (emphasis added). Thus, if allowed to proceed in this manner, SB 106 will ask voters to enact not only the new subsection “(B)” but also to affirm that only voters 21 and older can vote in Pennsylvania. But asking voters to affirm that Pennsylvania’s voting age is 21 directly conflicts with the Twenty-Sixth Amendment of the United States Constitution, which sets the voting age at 18. U.S. CONST. amend. XXVI (“The right of citizens of the United States, who are 18 years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.”).

17. This will inevitably cause voter confusion because, for example, voters considering how to vote on that proposed amendment to the Pennsylvania Constitution may believe that they are voting on whether to raise the voting age in Pennsylvania from 18 to 21 when, in fact, a vote in favor of that amendment will do no such thing. Also, a voter may decide that raising the voting age to 21 is her *sole* basis to vote for the proposed amendments to Article VII, § 1, without having any knowledge that, in fact, her vote *will not* change the voting age in Pennsylvania. What SB 106 therefore seeks to do with regard to Article VII, § 1 is to ask Pennsylvania voters to ratify as constitutional a voting age provision that is

undisputedly unconstitutional and unenforceable. The potential for voter confusion is plain.

18. Similarly, SB 106 conflicts with the Free and Equal Elections Clause of the Pennsylvania Constitution, which secures the rights of Pennsylvania voters against disenfranchisement of established rights. *See* PA. CONST. art. 1, § 5 (“Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”). In other words, SB 106 cannot remove 18- to 20-year-olds’ established right of suffrage.

19. Under federal or state constitutional law, confusion at the polls will ensue due to these conflicts.

20. That is not all. SB 106’s proposed amendment to Article VII, § 1 also asks Pennsylvania voters to affirm that the Pennsylvania Constitution requires that individuals reside in the Commonwealth for 90 days immediately preceding the election, and in the election district where the individual will vote at least 60 days prior to the election. *See* S.B. 106, No. 1857 (Exhibit B to the Petition for Review), at 4:7-11 (2022). But that too cannot be the law and will create voter confusion. “The law and customs of Pennsylvania provide that individuals are qualified to vote in Pennsylvania if they are . . . a United States citizen for at least 1 month, a resident of the Commonwealth for at least 30 days, [and] a resident of the relevant election district for at least 30 days immediately preceding the election[.]”

McCormick for U.S. Senate v. Chapman, No. 286 M.D. 2022, 2022 WL 2900112, at *9 (Pa. Commw. Ct. 2022); 25 Pa. C.S. § 1301; *see also* The Voting Rights Act of 1965 § 6, 52 U.S.C. § 10502 (outlawing durational residency requirements in presidential and vice-presidential elections and establishing a 30-day ceiling for registration); *Burns v. Fortson*, 410 U.S. 686, 687 (allowing a 50-day registration period but noting that 50 days “approaches the outer constitutional limits in this area”). Indeed, 90- and 60-day durational residency requirements violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. *See Dunn v. Blumstein*, 405 U.S. 330, 342 (1972) (“[D]urational residence laws must be measured by a strict equal protection test: they are unconstitutional unless the State can demonstrate that such laws are ‘necessary to promote a compelling governmental interest.’”) (citations omitted). Voters considering SB 106’s proposed amendment to Article VII, § 1 therefore will be asked to vote on two provisions of that section that *will not* be the law of Pennsylvania if they vote in favor of it. But voters will not know that, and the League will have to spend considerable time and resources *attempting* to educate voters to avoid the confusion caused by SB 106’s proposed amendments on voter age and residency. In other words, the League will have to explain and educate voters that even though SB 106 says that it is amending the Pennsylvania Constitution with regard

to voter age and residency, a vote in favor of the amendment will not, in fact, change the constitutional age or residency requirements.

21. Further, because these voter age and voter residency provisions are packaged inseparably with a referendum on the proposed new voter identification provisions of Article VII, § 1, a vote for one of these issues is a vote for all. Article XI, § 1 of the Pennsylvania Constitution prohibits voting on packaged constitutional amendments. *See League of Women Voters of Pa. v. DeGraffenreid*, 265 A.3d 207, 218 (Pa. 2021). SB 106’s packaging of the voter identification amendment with the undisputedly unlawful age and durational residency provisions will undoubtedly cause further confusion. Voters will be presented with multiple amendments to the same section of the Pennsylvania Constitution, the addition of subsections “(A)” and “(B),” covering three separate and disparate subjects—voting age, residency, and voter identification—and will be asked to vote “yea” or “nay” on all of those amendments together. *See DeGraffenreid*, 265 A.3d at 219 (“[A] proposed amendment triggers the separate vote requirement of Article XI, § 1 if it substantively effectuates more than one change to the Constitution.”) (citation omitted).

22. Ensuring that all eligible voters in Pennsylvania are informed is fundamental to our democracy. In pursuit of the League’s core mission to

empower voters and defend democracy, it seeks to intervene to ensure that SB 106 does not unconstitutionally disenfranchise the citizens of the Commonwealth.

23. The League has and will continue to devote substantial resources toward empowering voters and strengthening democracy in our Commonwealth, which includes, without limitation, educating voters about the proposed constitutional amendments. The relief Petitioners seek, or denial thereof, would impact the League's efforts to protect their members' ability to exercise their right to vote and their organizational goals of promoting full electoral participation. Accordingly, Applicants are critical participants in this action and are well-situated to promote and protect the right of all Pennsylvania voters to cast their ballots freely.

24. Importantly, the League's interests in this litigation are broader than those of the named Respondent, who may seek a narrower implementation of election laws that impermissibly burden the right to vote. The League's interests are also broader than those of Petitioners, as the League is a nonpartisan organization whose mission focuses on voter access, regardless of party affiliation. Pennsylvania voters should not be faced with uncertainty as to whether or not they are permitted to cast their votes in any federal, state or local election.

25. Applicant Sajda Adam interprets the section regarding residency to mean that she would need to reside in her election district 60 days prior to the

election instead of 30. Because there are no changes to the actual language regarding voting and residency, without any clarifying context it appears that 21 would be the age required by the Pennsylvania Constitution to vote. Ms. Adam is confused about whether those age and durational residency requirements are intended to be changed and/or *are* going to be changed by SB 106. *See* Declaration of Sajda Adam (Exhibit D to the Petition for Review).

26. As an 18-year-old resident of Pennsylvania who is currently eligible to vote in the upcoming November election, Simone Roberts has no way of knowing how her State Senator or Representative from the Pennsylvania House of Representatives voted or would have voted on the voting age and residency language in the proposed amendment to Article VII, § 1 of the Pennsylvania Constitution. *See* Declaration of Simone Roberts (Exhibit E to the Petition for Review). Ms. Roberts would not vote for a representative legislator who voted in favor of eliminating her right to vote until she turns 21 or who would vote to lengthen the residency requirements beyond 30 days. *Id.*

27. The requested relief in this case would ensure that Pennsylvanians who have a constitutional right to vote in elections are not disenfranchised by a bill that was improperly shuttled through the legislature and which contravenes fundamental rights bestowed by both the Pennsylvania and U.S. Constitution.

28. The League and each individual Applicant are therefore entitled to intervene under Pa.R.C.P. No. 2327 because each such Applicant could have joined as an original party, because the determination of the action may affect a legally enforceable interest, and because there is no reason to deny the petition under Pa.R.C.P. No. 2329.

29. The Applicants adopt Petitioners' allegations in the King's Bench Petition and make additional allegations of their own, as shown in the attached proposed Petition for Review (Exhibit "1" hereto), which is hereby incorporated by reference. The Applicants seek the relief Petitioners requested in the King's Bench Petition, and also make a request for additional relief by seeking a declaratory judgment that Article VII, § 1's age-based restriction, as amended by SB 106, violates the Twenty-Sixth Amendment of the United States Constitution and the Free and Equal Elections Clause of the Pennsylvania Constitution. The Applicants also seek a declaratory judgment that the durational residency restrictions of Article VII, § 1, as amended by SB 106, contravene the United States Constitution by violating the Fourteenth Amendment's Equal Protection Clause and the Free and Equal Elections Clause of the Pennsylvania Constitution. Finally, the Applicants seek an injunction prohibiting the General Assembly from pursuing further action on the constitutionally defunct SB 106.

II. APPLICANTS ARE ENTITLED TO INTERVENE.

30. In Pennsylvania, a party is entitled to intervene if it “could have joined as an original party in the action or could have been joined therein” or “the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action.” Pa.R.C.P. No. 2327(3)-(4). The application may be refused only if “(1) the claim or defense of the petitioner is not in subordination to and in recognition of the propriety of the action; or (2) the interest of the petitioner is already adequately represented; or (3) the petitioner has unduly delayed in making application for intervention or the intervention will unduly delay, embarrass or prejudice the trial or the adjudication of the rights of the parties.” Pa.R.C.P. No. 2329. Thus, “a grant of intervention is mandatory where the intervenor satisfies one of the four bases set forth in Rule No. 2327 unless there exists a basis for refusal under Rule No. 2329.” *Allegheny Reprod. Health Ctr. v. Pa Dep’t of Human Servs.*, 225 A.3d 902, 908 (Pa. Commw. Ct. 2020).

31. The Applicants satisfy Pa.R.C.P. No. 2327, and there is no basis for denying intervention under Pa.R.C.P. No. 2329. The Court should therefore grant this Application to Intervene.

A. The Determination of This Action May Affect a Legally Enforceable Interest of the Applicants.

32. The Applicants are entitled to intervene under Pa.R.C.P 2327(3) because they have their own stake in this litigation. *See Applewhite v. Commonwealth*, No. 330 M.D. 2012, 2014 WL 184988, at *7 (Pa. Commw. Ct. Jan. 17, 2014). Standing requires a real party in interest as well as a concrete, adverse interest that is “substantial, direct and immediate.” *See Fumo v. City of Phila.*, 972 A.2d 487, 496 (Pa. 2009) (citation omitted). One has a direct interest in litigation “if there is a causal connection between the asserted violation and the harm complained of; it is immediate if that causal connection is not remote or speculative.” *Id.* (quoting *City of Phila. v. Commonwealth*, 838 A.2d 566, 577 (Pa. 2003)).

33. Given its organizational history and purpose, the League “has standing to sue on behalf of its members or on its own behalf, particularly in lawsuits brought to challenge state laws affecting voters.” *Applewhite*, 2014 WL 184988, at *7 (citing *League of Women Voters of Ohio, et al. v. Brunner*, 548 F.3d 463 (6th Cir. 2008); *Thorsted v. Gregoire*, 841 F.Supp. 1068 (W.D.Wash.1994); *U.S. Term Limits, Inc. v. Hill*, 316 Ark. 251, 872 S.W.2d 349 (1994); *League of Women Voters v. Eu*, 7 Cal.App.4th 649, 9 Cal.Rptr.2d 416 (1992)). Because this litigation implicates the violation of the right to vote protected in the Pennsylvania Constitution—rights conferred specifically to Ms. Adam and Ms. Roberts—and

given that the League has diverted and expects to divert valuable resources as a consequence of needing to re-educate voters about their constitutionally protected voting age, residency requirements and the plethora of other defective issues packaged into SB 106, each Applicant has suffered a direct harm sufficient to confer standing. *See, e.g., Fla. State Conf. of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1165–66 (11th Cir. 2008) (finding that organizations “made a sufficient showing that they will suffer a concrete injury” where “the organizations reasonably anticipate[d] that they [would] have to divert personnel and time to educating volunteers and voters on compliance with Subsection 6 and to resolving the problem of voters left off the registration rolls on election day.”).

34. Similarly, both Pennsylvania and federal courts routinely find that individual voters have standing to challenge laws affecting their ability to exercise the franchise. *See, e.g., Nat’l Election Def. Coal. v. Boockvar*, 266 A.3d 76, 101 (Pa. Commw. Ct. 2021) (“Petitioners have an interest that is immediate, direct, and more than an “abstract interest” in having the Secretary comply with the law; they have an interest in ensuring that their votes, which are cast through use of the ExpressVote XL machines certified by the Secretary at issue here, are recorded and counted in an accurate, secure, and secret manner.”); *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1341 (11th Cir. 2014) (finding voters had “standing to prospectively challenge the Secretary's second attempt to remove non-citizens from

the voter rolls using the SAVE database”); *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1351–52 (11th Cir. 2009) (finding that requirement to produce photo identification to vote was an injury sufficient to confer standing even though the right to vote was not “wholly denied”); *Applewhite v. Com.*, No. 330 M.D. 2012, 2014 WL 184988, at *6 (Pa. Commw. Ct. Jan. 17, 2014) (finding that “Individual Petitioners [had] standing to challenge the constitutionality and enforcement of the Voter ID Law”).

35. Ms. Adam and Ms. Roberts, as qualified electors in the Commonwealth of Pennsylvania and above the age of 18 have a legally enforceable right to vote. SB 106 threatens the right of 18 to 20-year-olds to exercise that right by specifically purporting to raise the voting age in Pennsylvania to 21. Thus, Ms. Adam and Ms. Roberts are at significant risk of losing their right to vote in Pennsylvania. As such, they have standing to challenge SB 106.

36. Accordingly, the Applicants could have joined the King’s Bench Petition as original parties and are therefore entitled to intervene under Pa.R.C.P. No. 2327(3).

37. The Applicants are further entitled to intervene under Pa.R.C.P. No. 2327(4) because, as noted above, Applicants have an interest in the litigation that is “substantial, direct, and immediate.” *Markham v. Wolf*, 136 A.3d 134, 139 (Pa.

2016). SB 106 deprives voters, such as Ms. Adam and Ms. Roberts, of critical information in advance of the upcoming November election; namely, how their representatives voted on each of the proposed constitutional amendments. This is in direct contravention of Article XI, § 1 of the Pennsylvania Constitution.

38. Further, should SB 106 be allowed to continue to be published to voters by the Secretary and ultimately be placed on the May 2023 primary elections ballot or a later ballot, the League will continue to expend significant resources in attempting to educate voters on patently confusing and unconstitutional amendments, while diverting valuable organizational efforts. The League has a substantial, legally cognizable interest in protecting its own rights and members' constitutional rights.

39. Applicants Sajda Adam and Simone Roberts have a substantial and legally cognizable interest in maintaining their constitutionally-derived right to vote.

40. The League expends considerable resources for the purpose of ensuring that eligible voters in Pennsylvania can exercise their right to vote. The League has an organizational mission of expanding access to voting, and is committed to eliminating barriers to voting and increasing civic engagement, especially in communities who have been traditionally disenfranchised (e.g., minority communities). Voter access is a critical element of those goals. The

League's interest in ensuring that eligible voters maintain access to the ballot box and—once there—have a meaningful opportunity to vote on the distinct constitutional amendments presented is concrete, protectable, and substantial.

41. If Petitioners' claims are not successful, the League expects to divert and spend significant additional resources³—including volunteers, time, and expenditures—to re-educate voters about currently settled law, *i.e.*, that, despite the plain language of the proposed amendment they are asked to adopt, 18-, 19- & 20-year-olds will be entitled to their vote, given the constitutional floor established by the 26th Amendment in 1971, and, further, that the expansive 90-day residency requirement voters are asked to adopt is unconstitutional on its face given that the United States Constitution's 14th Amendment Equal Protection Clause prohibits such a draconian time period as an attempt to disenfranchise the vote. *See Dunn*, 405 U.S. at 342. This represents a phenomenal portion of the budget to be diverted by a non-profit, grassroots organization. Despite the expense, the League will undertake every effort necessary to educate voters of this issue and ensure them that voters older than 18—despite the explicit language of SB 106—are still constitutionally entitled to vote under the federal laws, which includes the right to vote out of office their legislators who would seek to disenfranchise them.

³ By its current estimates, the League will be required to divert 33% of its Voter Services budget from other important issues in order to unravel the confusion caused by SB 106.

42. Applicants' interests are thus cognizable.

43. Moreover, the League has standing on behalf of its members, among whom are Pennsylvania voters. *See, e.g., Robinson Twp. v. Commonwealth*, 83 A.3d 901, 922 (Pa. 2013) (“[A]n association has standing as representative of its members to bring a cause of action even in the absence of injury to itself, if the association alleges that at least one of its members is suffering immediate or threatened injury as a result of the action challenged.”) (citations omitted).

B. Applicants' Claims are Proper with Respect to this Action.

44. The participation in this action by the League and the individual voters is subordinate to and in recognition of the propriety of the pending action in that the Applicants seek the same relief as the Governor and Secretary, namely, invalidation of SB 106 and enjoinder of further action on the joint resolution.

C. Applicants' Interests Are Not Adequately Represented.

45. The existing parties in the litigation do not adequately represent the Applicants' interests because those interests “may diverge” from those of the Petitioners and Respondent. *Larock v. Sugarloaf Twp. Zoning Hr'g Bd.*, 740 A.2d 308, 314 (Pa. Commw. Ct. 1999). Since no party currently in the litigation “unequivocally share[s] [Applicants]' interest[s],” the application to intervene should be granted. *Id.*; *see also D. G. A. v. Dep't of Human Servs.*, No. 1059 C.D. 2018, 2020 WL 283885, at *7 (Pa. Commw. Ct. Jan. 21, 2020) (reversing denial of

petition to intervene in administrative proceeding because “the personal interests of [proposed intervenors] in their individual welfare could diverge from the more general interest of [a governmental agency] in public welfare”) (emphasis omitted).

46. Applicants meet this standard because neither the Governor and Acting Secretary of the Commonwealth as Petitioners nor the partisan Respondent General Assembly “unequivocally share” the Applicants’ interests. Political parties and elected officials do not necessarily share the League’s interests in ensuring free and equal access to the polls. In fact, a partisan legislature could benefit by purposefully targeting specific voter groups in creative ways in order to suppress their desire to vote and access to the ballot box, such as, for example, college students ages 18-20 who may change their residency within the state in order to attend school. Similarly, the Petitioners, having already been elected to office and in one case approaching term limits, do not necessarily have a vested interest in educating all voters in a nonpartisan manner about their rights for upcoming elections and providing an informed opinion on policy matters.

47. The League represents all voters, including those who meet the age and residency requirements as currently assured to them by both federal and state law. Consistent with its organizational charter, the League has a long-standing, focused mission to ensure that all eligible voters in Pennsylvania are guaranteed their constitutionally protected right to free and equal access to the ballot box.

Therefore, the League has expended and will continue to expend financial and other organizational resources to ensure voters' interests are protected in this matter, which is not an interest shared by either the Petitioners or Respondent in this matter.

48. Similarly, being that all individuals of the General Assembly, and including the Petitioners, are over the age of 21, the interests of Ms. Adam and Ms. Roberts are not adequately represented. *See* PA. CONST. art. II § 5 (“Senators shall be at least 25 years of age and Representatives 21 years of Age”). Ms. Adam and Ms. Roberts, as the only 18 to 20-year-olds in this litigation, are the only litigants whose right to vote based on age is at stake. Thus, without being granted leave to intervene, their rights are not adequately represented.

D. Applicants' Application Is Timely.

49. This Application is timely. Petitioners initiated this litigation on July 28, 2022. The Court has not yet issued a scheduling order. No hearing before this Court has been scheduled. The Applicants' prompt intervention does not delay the timely advancement of the action, prejudice the trial or the adjudication of the rights of the parties, or otherwise harm the parties.

III. RELIEF REQUESTED

50. The Applicants adopt certain of Petitioners' allegations and make additional allegations of their own, as shown in the attached proposed Petition for

Review for Declaratory and Injunctive Relief. The Applicants seek the relief Petitioners requested in the King's Bench Petition asking this Court to declare SB 106 constitutionally invalid and enjoin further action on the joint resolution.

IV. CONCLUSION

51. For the reasons stated above and in the supporting declarations included in the attached Petition for Review, the Applicants respectfully request that this Court grant this Application and grant each Applicant leave to intervene as a party in this matter.

DATE: August 19, 2022

Respectfully submitted,

/s/ John P. Lavelle, Jr.

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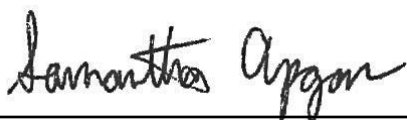
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VERIFICATION

I am authorized to make this verification on behalf of the League of Women Voters of Pennsylvania. I have personal knowledge of the statements made in the foregoing Application to Intervene, and verify that those statements are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Signature


President, League of Women Voters of Pennsylvania

Name and Position

Date: August 19, 2022

VERIFICATION

I verify that the statements made in the foregoing Application to Intervene are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Signature

Sajda Adam
Name

Date: August 19, 2022

VERIFICATION

I verify that the statements made in the foregoing Application to Intervene are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Signature

Simone Roberts

Name

Date: August 19, 2022

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: August 19, 2022

/s/ John P. Lavelle, Jr.

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Pennsylvania, Sajda Adam and Simone
Roberts*

EXHIBIT 1

IN THE SUPREME COURT OF PENNSYLVANIA

Docket No. 73 MM 2022

TOM WOLF, GOVERNOR OF THE COMMONWEALTH OF
PENNSYLVANIA, AND LEIGH M. CHAPMAN, ACTING SECRETARY OF
THE COMMONWEALTH OF PENNSYLVANIA,

Petitioners,

v.

GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA,

Respondent.

**PETITION FOR REVIEW FOR DECLARATORY AND INJUNCTIVE
RELIEF BY INTERVENORS LEAGUE OF WOMEN VOTERS OF
PENNSYLVANIA, SAJDA ADAM AND SIMONE ROBERTS**

In support of this Petition for Declaratory and Injunctive Relief, Intervenors, the League of Women Voters of Pennsylvania, Sajda Adam, and Simone Roberts, (each, an “Intervenor” and, collectively, “Intervenors”), by and through undersigned counsel, respectfully request that the Court issue declaratory and injunctive relief so as to protect their rights as Pennsylvania voters, and as an organization representing the rights of *all* Pennsylvania voters, and respectfully aver as follows:

I. INCORPORATION OF PORTIONS OF KING’S BENCH PETITION

1. In the interest of judicial economy, Intervenors incorporate certain allegations from the Application for Invocation of King’s Bench Power to Declare Senate Bill 106 of 2021 Invalid and Enjoin Further Action on Constitutional Amendments, filed by Tom Wolf, Governor of the Commonwealth of Pennsylvania, and Leigh M. Chapman, Acting Secretary of the Commonwealth of Pennsylvania (“King’s Bench Petition”). Specifically, Intervenors hereby incorporate by reference as if fully set forth herein the allegations set forth in § II.A of the King’s Bench Petition.

II. INTRODUCTION AND FACTUAL BACKGROUND

2. On July 28, 2022, Governor Wolf and Acting Secretary Chapman filed a King’s Bench Petition, asking this Court to declare Senate Bill 106 (“SB 106”) invalid and enjoin further action on the proposed constitutional amendments

on grounds that the General Assembly has sidestepped the procedures set forth in Article XI, § 1 of the Pennsylvania Constitution in ramming through an amendment package that significantly abridges citizens' free and equal rights to vote and their inherent and inalienable rights to privacy and the pursuit of happiness, and that impinges on the constitutional separation of powers.

3. The League of Women Voters of Pennsylvania (the "League") together with Sajda Adam and Simone Roberts, file this Petition to both join in the arguments set forth in the King's Bench Petition and to assert additional arguments challenging the manner in which the General Assembly sidestepped the Pennsylvania Constitution in passing SB 106. The Intervenors seek to address the confusion that has resulted from SB 106's inclusion of unconstitutional proposed amendments relating to voter age and residency requirements, and the additional confusion SB 106 will create if permitted to be put on the ballot.

4. Intervenors incorporate by reference the Factual Background of the King's Bench Petition. *See* King's Bench Petition, § II.

5. Intervenors set forth the following additional facts in support of their Petition for Review.

6. SB 106 began as a straightforward proposal to amend Article IV, § 4 of the Pennsylvania Constitution to require that candidates for Governor select their running mates for the office of Lieutenant Governor. SB 106 received second

consideration and was referred to the Appropriations Committee, which voted favorably on the proposed amendment by a vote of 23-1 on February 23, 2021.

7. On December 14, 2021, however, SB 106 was significantly expanded on second consideration in the House to include, among other provisions, a proposed amendment to Article VII, § 1 of the Pennsylvania Constitution that would require as an additional qualification for electors that they “present valid identification prior to voting, regardless of voting method,” and, if an elector does not possess valid identification, he or she shall, “upon request” be furnished with “a government issued identification at no cost.” *See* S.B. 106, No. 1279 (Exhibit A) at 3:26-4:20 (2021).

8. Among other things, the December 14, 2021 version of SB 106 attempted to conform the Pennsylvania Constitution’s outdated and unenforceable voter-age and residency requirements set forth in Article VII, § 1 with the requirements under federal law and the U.S. Constitution. *See id.*

9. In doing so, the then-proposed amendment changed the minimum voting age of 21 to citizens of 18 years of age or older to comply with the Twenty-Sixth Amendment to the U.S. Constitution.

10. It also changed the durational residency requirements of 90 days in the Commonwealth and 60 days in the election district to 30 days to comply with

the Fourteenth Amendment and federal law outlawing durational residency requirements in elections for president and vice president, as shown below:

26 (4) THAT SECTION 1 OF ARTICLE VII BE AMENDED TO READ:
27 § 1. QUALIFICATIONS OF ELECTORS.
28 [EVERY CITIZEN 21] ONLY CITIZENS 18 YEARS OF AGE OR OLDER,
29 POSSESSING THE FOLLOWING QUALIFICATIONS, SHALL BE ENTITLED TO
30 VOTE AT ALL ELECTIONS SUBJECT, HOWEVER, TO SUCH LAWS REQUIRING
20210SB0106PN1279 - 3 -

1 AND REGULATING THE REGISTRATION OF ELECTORS AS THE GENERAL
2 ASSEMBLY MAY ENACT.
3 1. HE OR SHE SHALL HAVE BEEN A CITIZEN OF THE UNITED STATES
4 AT LEAST ONE MONTH.
5 2. HE OR SHE SHALL HAVE RESIDED IN THE STATE [90] 30 DAYS
6 IMMEDIATELY PRECEDING THE ELECTION.
7 3. HE OR SHE SHALL HAVE RESIDED IN THE ELECTION DISTRICT
8 WHERE HE OR SHE SHALL OFFER TO VOTE AT LEAST [60] 30 DAYS
9 IMMEDIATELY PRECEDING THE ELECTION, EXCEPT THAT IF QUALIFIED TO
10 VOTE IN AN ELECTION DISTRICT PRIOR TO REMOVAL OF RESIDENCE, HE
11 OR SHE MAY, IF A RESIDENT OF PENNSYLVANIA, VOTE IN THE ELECTION
12 DISTRICT FROM WHICH HE OR SHE REMOVED HIS OR HER RESIDENCE
13 WITHIN [60] 30 DAYS PRECEDING THE ELECTION.
14 4. HE OR SHE SHALL PRESENT VALID IDENTIFICATION PRIOR TO

11. Indeed, Representative Wheeland noted that, at least with regard to age, these changes were simple edits included to conform the outdated language in

the Pennsylvania Constitution to current federal standards. *See* Legislative Journal—House at 1663.

Mr. WHEELAND. Thank you, Mr. Speaker.

Amendment 3174 simply amends Article VII, section 1, of the Pennsylvania Constitution regarding "Qualifications of Electors." It changes and puts in the Pennsylvania Constitution – which currently reads as citizens that are 21 years old – it now follows Federal guidelines and changes it to 18 years of age or older. Along with that, it requires to "present valid identification prior to voting, regardless of voting method," and I would encourage a "yes" vote from my colleagues.

Thank you, Mr. Speaker.

12. This resolution passed the House 114 to 89 on December 15, 2021.
13. However, during the late night July 8, 2022 session, this amelioratory language was removed from SB 106. *See* S.B. 106 No. 1857 (Exhibit B) at 3:4-21 and 3:29-4:15 (2022).
14. Instead, the Senate doubled down on the unconstitutional and unenforceable age and residency provisions. The Senate amendment re-inserted the 21-years of age requirement and the durational residency requirements of 90 days in the Commonwealth and 60 days in the election district, now under subsection "(A)." *See* Amendment A05334 to S.B. 106 No.1279 at 1:21-26 to 2:1-30 (2022) (Exhibit C) and S.B. 106 No 1857 (Exhibit B) at 4:1-15 (2022).

AMENDMENTS TO SENATE BILL NO. 106

Sponsor: SENATOR K. WARD

Printer's No. 1279

20 (3)

21 Amend Bill, page 3, lines 20 through 30; page 4, lines 1

22 through 20; by striking out all of said lines on said pages and

23 inserting

24 (4) That section 1 of Article VII be amended to read:

25 § 1. Qualifications of electors.

26 (a) Every citizen 21 years of age, possessing the following

2022/90AJB/SB0106A05334

- 1 -

1 qualifications, shall be entitled to vote at all elections
2 subject, however, to such laws requiring and regulating the
3 registration of electors as the General Assembly may enact.
4 1. He or she shall have been a citizen of the United States
5 at least one month.
6 2. He or she shall have resided in the State 90 days
7 immediately preceding the election.
8 3. He or she shall have resided in the election district
9 where he or she shall offer to vote at least 60 days immediately
10 preceding the election, except that if qualified to vote in an
11 election district prior to removal of residence, he or she may,
12 if a resident of Pennsylvania, vote in the election district
13 from which he or she removed his or her residence within 60 days
14 preceding the election.
15 (b) In addition to the qualifications under subsection (a)
16 of this section, a qualified elector shall provide a valid
17 identification at each election in accordance with the
18 following:
19 1. When voting in person, the qualified elector shall
20 present a valid identification before receiving a ballot to vote
21 in person.
22 2. When not voting in person, the qualified elector shall
23 provide proof of a valid identification with his or her ballot.
24 (c) If a qualified elector does not possess a valid
25 identification, he or she shall, upon request and confirmation
26 of identity, be furnished with a government-issued
27 identification at no cost to the qualified elector.
28 (d) For purposes of this section, the term "valid
29 identification" means an unexpired government-issued
30 identification, unless otherwise provided for by law.
31 Amend Bill, page 4, lines 24 through 27, by striking out "..."

15. The Senate amendment makes clear that these changes were intentional: newly added subsection (B) explicitly acknowledges that “in addition to the qualifications under subsection (A)”—i.e., a minimum voting age of 21 and the 90-day durational residency requirement—an elector must also meet the requirements under subsection (B). SB 106 PN 1857 (Exhibit B) at 4:16-19.

16. The requirements under subsection (A) violate the Twenty-Sixth Amendment, the Equal Protection Clause of the Fourteenth Amendment, and other federal law outlawing durational residency requirements.

17. The requirements under subsection (A) further violate the Free and Equal Elections Clause of the Pennsylvania Constitution.

18. This facially unconstitutional iteration of SB 106 was passed by both the Senate and the House on July 8, 2022.

19. As of June 2021, there were 508,650 Pennsylvanians aged 18-20.¹ There were a further 640,564 aged 14-17 who are likely preparing themselves to vote for their legislators in upcoming years.² If allowed to be presented to voters, which could occur as early as the May 2023 primary, SB 106 would cause significant voter confusion on important constitutional questions and require the League to exercise a tremendous amount of resources to educate all voters that 18,

¹ *State Population by Characteristics: 2020-2021*, UNITED CENSUS BUREAU (last revised June 28, 2022), <https://www.census.gov/data/tables/time-series/demo/popest/2020s-state-detail.html>

² *Id.*

19 and 20 year old citizens are in fact still, and will be regardless of whether they vote for or against the proposed amendments listed in SB 106, entitled to exercise their rights to vote in the Commonwealth. Indeed, the very act of the publication of SB 106 by the Secretary of the Commonwealth, as required by Article XI, § 1 of the Pennsylvania Constitution, is in and of itself an act of misinformation that will confuse voters as to the Commonwealth's voting age and residency requirements. A voter reading the plain language of SB 106 may determine that she is not old enough to vote in the Commonwealth or that she hasn't lived at her residence for the required number of days, resulting in that voter not even bothering to attempt to exercise her right to vote on important constitutional questions related to voter ID requirements, or any of the other five (or six?) constitutional questions posed under SB 106. *See* Declaration of Sajda Adam (Exhibit D); Declaration of Simone Roberts (Exhibit E). This is the essence of de facto disenfranchisement and it is clear that confusion amongst voters has already begun.

20. The General Assembly's intent in asking voters to affirm a constitutional voting age of 21 when the current federal law establishes the voting age of 18 is unclear³ but it has already caused much confusion in the Commonwealth, especially amongst those young adults most likely to be

³ Although it appears that its intent is to disenfranchise individuals under the age of 21, including Pennsylvanians below that age serving our in country's military, if the 26th Amendment were ever rescinded.

disenfranchised by the proposed amendment. For example, there have already been attempts by young voters sharing videos on TikTok attempting to educate each other of their rights under federal and state law, with some commenters assuming inclusion of a currently unconstitutional voting age as a ‘screw up’ drafter’s error and others seeing it as a “confusing” attempt to set voters up for failure.⁴ These young voters assure each other, however, that—despite the language on the face of SB106—the voting age “can never be raised above 21,” *id.*, presumably because they assume that the basic rights afforded by the federal constitution and other state law will always be there to provide them with this fundamental right. As we have recently seen, this is not a safe or necessarily valid assumption. *See Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228 (2022) (overturning federal constitutional right to an abortion).

⁴ *See* Exhibit F, @xmadsterr, TIKTOK (July 12, 2022), https://www.tiktok.com/@xmadsterr/video/7119507316541623594?is_from_webapp=v1&item_id=7119507316541623594

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- edsheeran
- karolg

Back to For You



#SB106 does NOT raise the voting age! The language is a little confusing, but there are other laws that ensure the voting age can never be raised above 21. #votingrights #voterrights #pennsylvania #pa #senate #houseofrepresentatives #constitutionalrights

original sound - Maddy Brown

xmodsterr
Maddy Brown · 7:12 [Follow](#)

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The.Art.Rehab
Thank you for this information! ❤️
7:12 2 likes Reply

RecklessRoca
I'm hank you for getting all this out
7:15 1 like Reply

RecklessRoca
Oh man my autocorrect was off the hook this morning
7:15 0 likes Reply

Dani_pa
I had to ask a friend who used to work for common cause to clarify this, and i am technically a registered lobbyist 😊
7:19 0 likes Reply

Maddy Brown · Creator
The way they word things is so frustrating and just sets us up for failure. It's not fair, tbh 🤔
7:19 0 likes Reply

Dani_pa
I mean, legal writing is completely different...and lawmakers screw things up in bill drafting "all the time"
7:19 0 likes Reply

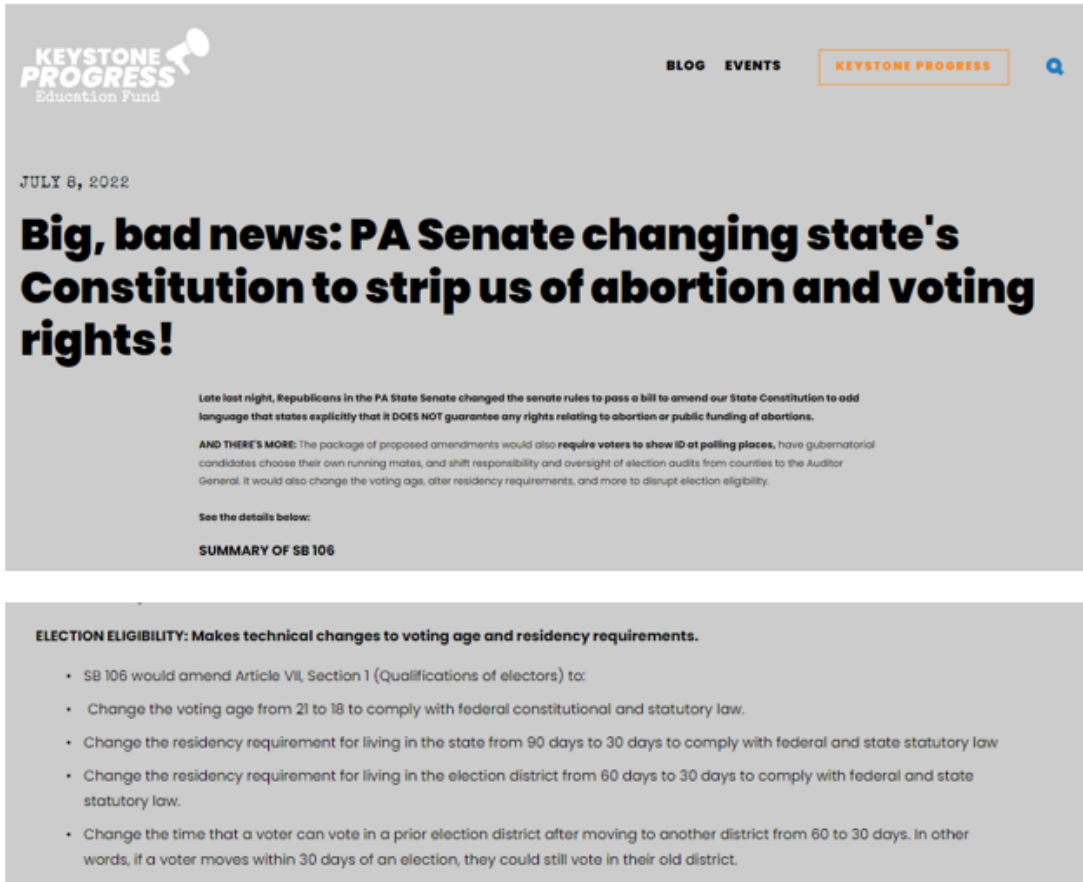
21. Additionally, it's not clear that the General Assembly fully understands that it has asked voters to adopt an amendment that directly conflicts with the U.S. Constitution. See, for example, *Increase The Voting Age To 21? PA GOP Wants to Eradicate Youth Vote*, BUCKS COUNTY BEACON (July 29, 2022), <https://buckscountybeacon.com/2022/07/increase-the-voting-age-to-21-pa-gop-wants-to-eradicate-youth-vote/> attached in full at Exhibit G, which explains that even the Republican representatives in the General Assembly who voted for SB 106 seem to be confused by the inclusion of an unconstitutional voting age in a fresh amendment. When the journalist called her legislator in search of answers, she reported receiving the following responses:

A legislative aide from Argall's office told me that: I had an incorrect copy of the bill (I did not), that the language in the bill was a mistake (I don't believe it is), that the proposal to increase the voting age would bring the state constitution into compliance with "current law" (it won't), and that the state constitution hasn't been updated because it's too expensive a process (they updated it last year after stripping the governor of emergency powers via referendum). At the end of the conversation I knew no more than when I had started. No one has been able to provide a comprehensive reason as to how or why this verbiage is a part of SB106 or, more importantly, who proposed it.

1 (A) EVERY CITIZEN 21 YEARS OF AGE, POSSESSING THE FOLLOWING
2 QUALIFICATIONS, SHALL BE ENTITLED TO VOTE AT ALL ELECTIONS
3 SUBJECT, HOWEVER, TO SUCH LAWS REQUIRING AND REGULATING THE
4 REGISTRATION OF ELECTORS AS THE GENERAL ASSEMBLY MAY ENACT.

22. If SB 106 is permitted to be put to a vote, the League will need to expend significant financial and other resources in attempting to unravel the confusion the bill has caused and will cause. Even at this time, the public record is

muddied as to what exactly SB 106, as adopted, seeks to do. See, for example, news articles published such as *Big, bad news: PA Senate changing state's Constitution to strip us of abortion and voting rights!*, KEYSTONE PROGRESS EDUCATION FUND(July 8, 2022), <https://www.kpef.info/blog/big-bad-news-pa-senate-changing-states-constitution-to-strip-us-of-abortion-and-voting-rights>, included in full at Exhibit H, which, while attempting to educate voters about the widespread and disparate contents of the constitutional questions voters are being asked to decide, erroneously misstates the changes included in the final SB 106, as adopted. The mistake by this publication is a reasonable one given the late adopted change by the General Assembly purposefully reverting the amendment to reflect unconstitutional provisions:



III. JURISDICTION

23. Intervenors incorporate by reference the “Basis for Exercise of King’s Bench Power” section of the King’s Bench Petition. *See* King’s Bench Petition, §

III.

IV. PARTIES

24. The League of Women Voters of Pennsylvania is a nonpartisan statewide non-profit formed in August 1920, shortly after the Nineteenth Amendment granted women suffrage in November 1918. The League and its members are dedicated to helping the people of Pennsylvania, especially their most

vulnerable, safely exercise their right to vote, as protected by the law. Its mission is to empower voters and defend democracy. The League promotes political responsibility through informed and active participation in government and acts on selected public issues. It impacts public policies, promotes citizen education, and makes democracy work by, among other things, removing unnecessary barriers to full participation in the electoral process. The League has pursued legal action against Pennsylvania officials to achieve these goals.

25. Sajda Adam is a Pennsylvania citizen and qualified elector currently attending school at Drexel University in Philadelphia County. Ms. Adam is 19 years old.

26. Simone Roberts is a Pennsylvania citizen and qualified elector currently attending school at Susquehanna University in Snyder County. Ms. Roberts is 18 years old.

V. ARGUMENTS FOR DECLARATORY AND INJUNCTIVE RELIEF

27. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 26 of this Petition. Intervenors incorporate by reference as if fully set forth herein the introductory paragraphs of the “Arguments for Declaratory Relief” section of the King’s Bench Petition. *See* § IV of the King’s Bench Petition.

A. The General Assembly Denied Pennsylvania Voters Their Right to Know Whether Their Representatives Supported Each Amendment.

28. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 27 of this Petition. Intervenors incorporate by reference as if fully set forth herein § IV.A of the King’s Bench Petition.

29. Under Article XI, § 1, voters have a vested right to know where their representatives stand on proposed constitutional amendments, particularly where a proposed amendment directly affects the voter’s own ability vote in future elections.

30. Article XI, § 1 mandates that, when agreed to by a majority of the members of each House, “such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon” Pa. Const. art. XI, Sec. 1. The vote is then followed by publication. *Id.* “[I]f, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House,” the “amendment or amendments” shall be published again in the same manner before submission to the electors for a vote. *Id.*

31. As set forth in the King’s Bench Petition, the purpose of the vote, recording and publication requirements is to afford “an informed electorate . . . an opportunity to indicate their pleasure at the ballot box and elect individuals to the

next General Assembly with different attitudes.” *Kremer v. Grant*, 606 A.2d 433, 438 (Pa. 1992); *see also Tausig v. Lawrence*, 197 A. 235, 238 (Pa. 1938).

32. Because SB 106 denies voters their constitutional right to know how their representatives voted on each individual proposed amendment – including those amendments which revert the voting age to 21 and the durational residency requirements to 60 and 90 days – certain eligible voters in the November election will unwittingly vote for representatives who support the elimination of those voters’ very right to vote until he or she reaches age 21.

33. As an 18-year old resident of Pennsylvania who is currently eligible to vote in the upcoming November election, Simone Roberts has no way of knowing how her State Senator or Representative from the Pennsylvania House of Representatives voted or would have voted on the voting age and residency language in the proposed amendment to Article VII, § 1 of the Pennsylvania Constitution. *See Declaration of Simone Roberts (Exhibit E)*.

34. Simone Roberts would not vote for a legislator who voted in favor of eliminating her right to vote until she turns 21 or who would vote to lengthen the residency requirements beyond 30 days. *Id.*

35. Sajda Adam interprets the section regarding residency to mean that she would need to reside in her election district 60 days prior to the election instead of 30. Because there are no changes to the actual language regarding voting and

residency, without any clarifying context it appears that 21 would be the age required by the Pennsylvania Constitution to vote. She is confused about whether those age and durational residency requirements are intended to be changed and/or *are* going to be changed by SB 106. *See* Declaration of Sajda Adam (Exhibit D).

36. The General Assembly’s failure to maintain “scrupulous adherence” to the procedure mandated in Article XI, §1 of the Pennsylvania Constitution renders SB 106 constitutionally invalid because these Pennsylvanian voters and many others like them do not have transparency into which disparate provisions of this proposed amendment their legislators support.

B. The Proposed Amendment Concerning Abortion Poses Two Discrete Questions in Violation of the Separate Vote Requirement.

37. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 36 of this Petition. Intervenors incorporate by reference as if fully set forth herein § IV.B of the King’s Bench Petition.

38. SB 106 packages two separate and distinct questions into a single proposed amendment to the enumerated rights of the Pennsylvania Constitution. In one breath, it makes voters decide whether there is a fundamental right for a person to have an abortion AND whether there is a fundamental right for a person to have taxpayers pay for an abortion. Some voters may agree with both of those propositions, while some voters some may agree with neither. A large portion of

voters may agree with the first provision but not the second. As discussed above, this ‘take it or leave it approach’ leaves these voters disenfranchised from making a meaningful choice, while at the same time preventing them from knowing their elected legislator’s viewpoint and vote on these critically important subjects. Such ‘logrolling’ prevents voters from making a meaningful, informed choice on important questions of constitutional law, and further prevents voters from understanding the position their elected representative takes with respect to each discrete question. Accordingly, SB 106 cannot be permitted to stand. *See League of Women Voters of Pa. v. Degraffenreid*, 265 A3d 207, 231 (Pa. 2021) (recognizing that such logrolling prevents the voter’s exercise of “‘free and mature judgment’, as it is impossible for voters to express assent only to the provisions which they favor, and reject those which they disapprove.”) (citations omitted).

C. The Proposed Amendment Concerning Abortion Is Invalid Because It Infringes Inherent and Indefeasible Rights Enshrined in the Pennsylvania Declaration of Rights.

39. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 38 of this Petition. Intervenors incorporate by reference as if fully set forth herein § IV.C of the King’s Bench Petition.

D. The Proposed Amendment Concerning Abortion is Irredeemably Vague and Therefore Invalid.

40. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 39 of this Petition. Intervenors incorporate by reference as if fully set forth herein § IV.D of the King’s Bench Petition.

E. The Proposed Amendments Change Multiple Constitutional Provisions by Failing to Afford the Electorate the Opportunity to Vote Separately on Each Change.

41. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 40 of this Petition. Intervenors incorporate by reference as if fully set forth herein § IV.E (1) – (4) of the King’s Bench Petition.

42. SB 106’s changes to Article VII, § 1 implicate at least three separate discrete amendments. Indeed, not only does SB 106 change voter ID requirements, it also creates two durational residency requirements and restricts elector qualifications by age.

43. By including at least three different amendments, the General Assembly has denied the electorate the opportunity to vote separately on each change.

F. The Complex, Multiple Amendments in SB 106 May Only Properly Be Pursued by Constitutional Convention.

44. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 43 of this Petition. Intervenors incorporate by reference as if fully set forth herein § IV.F of the King’s Bench Petition.

G. This Constitutional Interpretation Dispute is Ripe for Decision by this Court.

45. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 44 of this Petition. Intervenors incorporate by reference as if fully set forth herein § IV.G of the King’s Bench Petition.

H. The Voter Age Requirement Perpetuated by SB 106 Violates the Twenty-Sixth Amendment of the United States Constitution.

46. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 45 of this Petition.

47. On April 27, 1971, the Commonwealth of Pennsylvania become one of 39 states to ratify the Twenty-Sixth Amendment to the U.S. Constitution.⁵

48. The Twenty-Sixth Amendment established a uniform voting age of eighteen years old. It guarantees that “[t]he right of citizens of the United States,

⁵ See S. Res., Gen. Assemb. of Pa., No. 237 Session of 2002, <https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2001&sessInd=0&billBody=S&billTyp=R&billNbr=0237&pn=1999>

who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.” U.S. CONST. amend. XXVI

49. The ratification of the Twenty-Sixth Amendment superseded Pennsylvania’s established voting age of 21 as set forth in Article VII, § 1 of the Pennsylvania Constitution. As a result, Pennsylvanians ages 18 to 20 have enjoyed the right to vote in the Commonwealth since 1971.⁶

50. On July 8, 2022, almost 51 years to the date of the Twenty-Sixth Amendment’s anniversary, the Pennsylvania legislature enacted SB 106, which, amongst other matters, asks Pennsylvania voters to *affirmatively adopt* a Pennsylvania Constitutional amendment to Article VII, § 1 that—on its face—dictates a minimum voting age of 21 years old. *See* SB 106 PN 1857 (Exhibit B) at 3:4-21 and 3:29-4:15.

51. The Supremacy Clause of the U.S. Constitution provides that “‘the Laws of the United States ... shall be the supreme Law of the Land ... any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.’ U.S.

⁶ The text of Article VII, Section 1 of the Pennsylvania Constitution has remained unchanged since the Constitution’s adoption, although some published forms of the PA Constitution contain an explanatory printer’s footnote following Article VII, Section 1 explaining that the law has been superseded by the U.S. Constitution and the PA Election Code. The printer’s note provides as follows: “Age of Electors. The age at which a citizen is entitled to vote was changed from 21 to 18 years of age. *See* Amendment XXVI to the Constitution of the United States and section 701 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.” *See* <https://www.legis.state.pa.us/WU01/LI/LI/CT/PDF/00/00.PDF> (as published to PA legislature’s website).

Constitution, art. VI. ‘Since ... *McCulloch v. Maryland* [, 17 U.S. (4 Wheat.) 316, 4 L.Ed. 579 (1819)], it has been settled that state law that conflicts with federal law is without effect.’ *Kuznik v. Westmoreland Cnty. Bd. of Comm’rs*, 588 Pa. 95, 124, 902 A.2d 476, 493 (2006) (citing *Cipollone v. Liggett Group, Inc.*, 505 U.S. 504, 516, 112 S.Ct. 2608, 120 L.Ed.2d 407 (1992) (alterations in original)).

52. The Pennsylvania Supreme Court recognizes that “state law may be displaced under conflict preemption principles if the state law in question presents a conflict with federal law in one of two situations: when it is impossible to comply with both the state and the federal law, or when the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.”⁷

53. Because the U.S. Constitution guarantees citizens ages 18, 19 and 20 the right to vote in federal, state and local elections, it is impossible to comply with both the proposed Pennsylvania Constitutional amendment (that 18, 19 and 20 year old citizens *do not* have a right to vote in Pennsylvania elections) and the law as provided under the U.S. Constitution (that 18, 19 and 20 year old citizens *do* have the right to vote in Pennsylvania elections). SB 106 frustrates the purposes and objectives of Congress, not to mention the Commonwealth when it ratified the

⁷ *Kuznik*, 902 A.2d 476, 493–94 (citing *Orson, Inc. v. Miramax Film Corp.*, 189 F.3d 377, 381–82 (3rd Cir. 1999)) (citations and alterations omitted)

Twenty-Sixth Amendment, to enfranchise young adults and promote voting.⁸

Accordingly, SB 106 is invalid both on its face, and as-applied to 18, 19 and 20 year old citizens, and as a result it must be struck down as preempted by the Twenty-Sixth Amendment.

I. The Voter Age Requirement Perpetuated by SB 106 Violates the Constitutional Right to “Free and Equal” Elections.

54. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 53 of this Petition.

55. Furthermore, SB 106 must be struck down as a violation of our Pennsylvania Constitution’s Free and Equal Elections clause, which guarantees citizens of the Commonwealth rights in excess of those most basic of rights secured by the U.S. Constitution.⁹ As the predecessor of the federal constitution, the Pennsylvania Constitution itself “stands as a self-contained and self-governing body of constitutional law, and acts as a wholly independent protector of the rights of the citizens of our Commonwealth.” *League of Women Voters v.*

Commonwealth, 178 A.3d 737, 802 (2018). To this aim, the Free and Equal

⁸ See *Just which state ratified the 26th Amendment?*, INTERACTIVE CONSTITUTION (June 30, 2021), <https://constitutioncenter.org/interactive-constitution/blog/just-which-state-ratified-the-26th-amendment> (“ . . . public opinion in support of the lower voting age led to Congress approving the proposed 26th Amendment by mid-March [1971]. ‘The well-known proposition—‘old enough to fight, old enough to vote’--deserves special mention. To me, this part of the argument for granting the vote to 18 year-olds has great appeal,’ said Senator Edward Kennedy during the Senate debate on the issue.”)

⁹ See Pa. Const. art. I, § 5 (“Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”).

Elections clause provides “a constitutional standard, and remedy, even if the federal charter does not.” *Id.* at 741. The Free and Equal Elections clause is the manifestation of the “framers’ intent that all aspects of the electoral process, to the greatest degree possible, be kept open and unrestricted to the voters of our Commonwealth, and, also, conducted in a manner which guarantees, to the greatest degree possible, a voter's right to equal participation in the electoral process for the selection of his or her representatives in government. Thus, Article I, § 5 guarantees our citizens an equal right, on par with every other citizen, to elect their representatives.” *Id.* at 804.

56. In our democratic process, we assume that voters are reasonably informed of their voting rights and privileges. However, it should go without saying that proposing a Constitutional Amendment to voters asking them to affirmatively disenfranchise certain voters by adopting a new Constitutional Amendment that is currently not the law and can never be the law under the current U.S. Constitution is confusing and subversive. Sowing such purposeful confusion violates the bedrock principles of the Free and Equal Elections clause, which constitutionally “mandates that all voters have an equal opportunity to translate their votes into representation.” *League of Women Voters*, 178 A.3d 737 at 804. Accordingly, each Intervenor requests that this Court act now to address the voter confusion that has arisen and will arise in light of the unconstitutional language on

voting age and residency restrictions they are being asked to adopt in SB 106. *See Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 371 (Pa. 2020) (“[V]oters’ rights are better protected by addressing the impending crisis at this point in the election cycle on a statewide basis rather than allowing the chaos to brew, creating voter confusion”). Because voting is the “beating heart of democracy[,]” *League of Women Voters of Florida, Inc., v. Detzner*, 314 F. Supp. 3d 1205, 1215 (N.D. Fla. 2018), courts recognize that the “there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic process.” *Id.*, citing *Storer v. Brown*, 415 U.S. 724, 730, 94 S.Ct. 1274 (1974).

57. By its text, SB 106 has the twin aims of sowing confusion and discriminating against young adult voters. If SB 106 is not struck down, the League estimates it will be required to divert 33% of its Voter Services budget from other important issues. The League anticipates it will allocate the bulk of its efforts over the next eight months and beyond in educating more than 1 million Pennsylvania voters around the contours of this confusing and conflicting unconstitutional proposed amendment to ensure them that voters older than 18 will still be—despite the explicit language of SB 106—constitutionally entitled to vote, at least under the basic floor provided by the U.S. Constitution.

58. Assuming that the General Assembly did not intend an absurd, ineffective or unconstitutional result by its enactment of SB 106,¹⁰ it stands to reason then that the General Assembly does actively intend to disenfranchise this particular age group, should it ever be afforded the opportunity to do so. If the Twenty-Sixth Amendment were to fall out of favor, losing that federal constitutional floor would result in a ‘trigger’ effect that would, with the repeal of one simple state law, immediately disenfranchise Pennsylvania voters aged 18-20. While this may have been deemed an ‘absurd’ result even a year ago, that is no longer the case. *See Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228 (2022) (overturning federal constitutional right to an abortion). Because the Free and Equal Elections Clause secures the rights of Pennsylvania voters against disenfranchisement of established rights, SB 106 cannot stand.

59. Although the General Assembly may argue that subsection (A) of the amendment to Article VII, § 1 is simply re-stating the current language in the Pennsylvania Constitution, as discussed above, a plain read of SB 106 shows that the legislature did in fact attempt to conform the proposed amendment to current law by changing the age from 21 years to 18 years. *See S.B. 106, No. 1279*

¹⁰ 1 Pa.C.S.A. § 1922(1)-(3) (“In ascertaining the intention of the General Assembly in the enactment of a statute the following presumptions, among others, may be used: (1) That the General Assembly does not intend a result that is absurd, impossible of execution or unreasonable. (2) That the General Assembly intends the entire statute to be effective and certain. (3) That the General Assembly does not intend to violate the Constitution of the United States or of this Commonwealth [...])

(Exhibit A) at 3:26-4:20 (2021). This corrective amendment, although appearing in a prior version of SB 106, was struck from the final version of SB 106 as adopted, re-establishing the voting age at 21 years.

60. It is one thing for the General Assembly to allow an old provision of the Constitution that has fallen into desuetude to remain on the books, a vestigial artifact from years gone by. It is quite another for the General Assembly to ask current voters to affirmatively adopt an amendment that violates the U.S. Constitution and would strip certain voters of the voting rights they have been entitled to for the past half century. This is the very essence of disenfranchisement that the Free and Equal Elections Clause seeks to protect against.

61. Accordingly, SB 106 is unconstitutional on both a facial and as-applied challenge under the U.S. Constitution, and is unconstitutional as a violation of the Free and Equal Elections Clause under the Pennsylvania Constitution. The voters should choose their General Assembly, not the other way around. *League of Women Voters*, 178 A.3d at 802. As a result, SB 106 must be struck down.

J. The Durational Residence Requirements Perpetuated by SB 106 Violate the Fourteenth Amendment of the United States Constitution.

62. Intervenors incorporate by reference as if fully set forth herein ¶¶ 1 to 61 of this Petition.

63. The Fourteenth Amendment of the U.S. Constitution provides in part that, “No State shall . . . deny to any person within its jurisdiction the equal protection of the law.” U.S. Const. amend. XIV. The United States Supreme Court “has made clear that a citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction.” *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972). As such, “the denial of the franchise, ‘a fundamental political right,’ . . . [is] a penalty requiring application of the compelling-state-interest test.” *See Mem’l Hosp. v. Maricopa Cty.*, 415 U.S. 250, 259 (1974) (internal citation omitted).

64. In other words, “durational residence laws must be measured by a strict equal protection test: they are unconstitutional unless the State can demonstrate that such laws are ‘necessary to promote a compelling governmental interest.’” *Dunn*, 405 U.S. at 342 (quoting *Shapiro v. Thompson*, 394 U.S. 618, 634 (1969)) (citation omitted).

65. “It is not sufficient for the State to show that durational residence requirements further a very substantial state interest. In pursuing that important interest, the State cannot choose means that unnecessarily burden or restrict constitutionally protected activity.” *Id.* at 343.

66. “Statutes affecting constitutional rights must be drawn with ‘precision,’ and must be ‘tailored’ to serve their legitimate objectives.” *Id.* (citations omitted).

67. “And if there are other, reasonable ways to achieve those goals with a lesser burden on constitutionally protected activity, a State may not choose the way of greater interference. If it acts at all, it must choose ‘less drastic means.’” *Id.* (citations omitted).

68. Here, SB 106 fails to pass strict scrutiny.

69. SB 106 requires that electors “shall have resided in the State ninety (90) days immediately preceding the election” and “shall have resided in the election district where he or she shall offer to vote at least sixty (60) days immediately preceding the election.”

70. Both the 90- and 60-day requirements exceed “the outer constitutional limits in this area[.]” *Burns v. Fortson*, 410 U.S. 686, 687 (1973); *see also* 52 U.S.C. § 10502 (outlawing state durational residence requirements for presidential and vice-presidential election, and prohibiting the States from closing registration more than 30 days before such elections); *Official Opinion No. 121*, Opinions of the Attorney General (May 5, 1972),

<https://www.duq.edu/assets/Documents/law/pa-constitution/pdf/attorney->

[general/1972-121.pdf](#) (advising the Secretary of the Commonwealth that

“durational residency requirements in excess of 30 days . . . are unenforceable.”)

71. Thus, SB 106 is constitutionally invalid on its face and void.

72. Accordingly, for the reasons stated herein, the Court should declare the inclusion of a 21-year old voting age and the durational residency requirements provision in SB 106 along with a voter ID provision as unconstitutional under (i) the Twenty-Sixth Amendment of the U.S. Constitution, with respect to voting age, (ii) the Fourteenth Amendment of the U.S. Constitution, with respect to residency, and (iii) the Free and Equal Protections Clause of the Pennsylvania Constitution, with respect to voting age, residency and the packaging of those separate constitutional amendment issues with new voter ID language, and enjoin the General Assembly from pursuing further action on SB 106.

DATE: August 19, 2022

Respectfully submitted,

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VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Signature

Sajda Adam
Name

Date: August 19, 2022

VERIFICATION

I verify that the statements made in the foregoing proposed Petition for Review are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Signature

Simone Roberts

Name

Date: August 19, 2022

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: August 19, 2022

/s/ John P. Lavelle, Jr.

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EXHIBIT A

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 106 Session of
2021

INTRODUCED BY ARGALL, STREET, MARTIN, STEFANO, PHILLIPS-HILL,
DISANTO, BAKER, MASTRIANO, PITTMAN, REGAN AND SCHWANK,
JANUARY 22, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 14, 2021

A JOINT RESOLUTION

1 Proposing ~~an amendment~~ SEPARATE AND DISTINCT AMENDMENTS to the <--
2 Constitution of the Commonwealth of Pennsylvania, further
3 providing for ACTION ON CONCURRENT ORDERS AND RESOLUTIONS AND <--
4 FOR Lieutenant Governor; PROVIDING FOR EXECUTIVE ORDERS; <--
5 FURTHER PROVIDING FOR QUALIFICATIONS OF ELECTORS; AND
6 PROVIDING FOR ELECTION AUDITS.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby resolves as follows:

9 ~~Section 1. The following amendment to the Constitution of~~ <--
10 ~~Pennsylvania is proposed in accordance with Article XI:~~

11 ~~That section 4 of Article IV be amended to read:~~

12 SECTION 1. THE FOLLOWING SEPARATE AND DISTINCT AMENDMENTS TO <--
13 THE CONSTITUTION OF PENNSYLVANIA ARE PROPOSED IN ACCORDANCE WITH
14 ARTICLE XI:

15 (1) THAT SECTION 9 OF ARTICLE III BE AMENDED TO READ:

16 § 9. ACTION ON CONCURRENT ORDERS AND RESOLUTIONS.

17 EVERY ORDER, RESOLUTION OR VOTE, TO WHICH THE CONCURRENCE OF
18 BOTH HOUSES MAY BE NECESSARY, EXCEPT ON THE QUESTIONS OF

1 ADJOURNMENT, DISAPPROVAL OF A REGULATION OR TERMINATION OR
2 EXTENSION OF A DISASTER EMERGENCY DECLARATION AS DECLARED BY AN
3 EXECUTIVE ORDER OR PROCLAMATION, OR PORTION OF A DISASTER
4 EMERGENCY DECLARATION AS DECLARED BY AN EXECUTIVE ORDER OR
5 PROCLAMATION, SHALL BE PRESENTED TO THE GOVERNOR AND BEFORE IT
6 SHALL TAKE EFFECT BE APPROVED BY HIM, OR BEING DISAPPROVED,
7 SHALL BE REPASSED BY TWO-THIRDS OF BOTH HOUSES ACCORDING TO THE
8 RULES AND LIMITATIONS PRESCRIBED IN CASE OF A BILL.

9 (2) THAT SECTION 4 OF ARTICLE IV BE AMENDED TO READ:

10 § 4. Lieutenant Governor.

11 †A Lieutenant Governor shall be chosen jointly with the <--
12 Governor by the casting by each voter of a single vote
13 applicable to both offices, for the same term, and subject to
14 the same provisions as the Governor[; he]. Each candidate for <--
15 Governor, having been nominated under the laws of this
16 Commonwealth, shall, subject to the approval of the political
17 party or political body, if any, nominating such candidate,
18 select a candidate for Lieutenant Governor within such time
19 before the gubernatorial general election as the General
20 Assembly shall prescribe by law. A person may not seek election
21 to both offices simultaneously. The Lieutenant Governor shall be
22 President of the Senate. As such, [he] the Lieutenant Governor
23 may vote in case of a tie on any question except the final
24 passage of a bill or joint resolution, the adoption of a
25 conference report or the concurrence in amendments made by the
26 House of Representatives.

27 ~~Section 2. (a) Upon the first passage by the General~~ <--
28 ~~Assembly of this proposed constitutional amendment, the~~
29 ~~Secretary of the Commonwealth shall proceed immediately to~~
30 ~~comply with the advertising requirements of section 1 of Article~~

1 ~~XI of the Constitution of Pennsylvania and shall transmit the~~
2 ~~required advertisements to two newspapers in every county in~~
3 ~~which such newspapers are published in sufficient time after~~
4 ~~passage of this proposed constitutional amendment.~~

5 ~~(b) Upon the second passage by the General Assembly of this~~
6 ~~proposed constitutional amendment, the Secretary of the~~
7 ~~Commonwealth shall proceed immediately to comply with the~~
8 ~~advertising requirements of section 1 of Article XI of the~~
9 ~~Constitution of Pennsylvania and shall transmit the required~~
10 ~~advertisements to two newspapers in every county in which such~~
11 ~~newspapers are published in sufficient time after passage of~~
12 ~~this proposed constitutional amendment. The Secretary of the~~
13 ~~Commonwealth shall submit this proposed constitutional amendment~~
14 ~~to the qualified electors of this Commonwealth at the first~~
15 ~~primary, general or municipal election which meets the~~
16 ~~requirements of and is in conformance with section 1 of Article~~
17 ~~XI of the Constitution of Pennsylvania and which occurs at least~~
18 ~~three months after the proposed constitutional amendment is~~
19 ~~passed by the General Assembly.~~

20 (3) THAT ARTICLE IV BE AMENDED BY ADDING A SECTION TO READ: <--
21 § 21. EXECUTIVE ORDERS.

22 AN EXECUTIVE ORDER OR PROCLAMATION BY THE GOVERNOR OR AN
23 EXECUTIVE AGENCY WITH THE FORCE AND EFFECT OF LAW MAY NOT BE IN
24 EFFECT FOR MORE THAN 21 DAYS, UNLESS OTHERWISE EXTENDED IN WHOLE
25 OR IN PART BY CONCURRENT RESOLUTION OF THE GENERAL ASSEMBLY.

26 (4) THAT SECTION 1 OF ARTICLE VII BE AMENDED TO READ:
27 § 1. QUALIFICATIONS OF ELECTORS.

28 [EVERY CITIZEN 21] ONLY CITIZENS 18 YEARS OF AGE OR OLDER,
29 POSSESSING THE FOLLOWING QUALIFICATIONS, SHALL BE ENTITLED TO
30 VOTE AT ALL ELECTIONS SUBJECT, HOWEVER, TO SUCH LAWS REQUIRING

1 AND REGULATING THE REGISTRATION OF ELECTORS AS THE GENERAL
2 ASSEMBLY MAY ENACT.

3 1. HE OR SHE SHALL HAVE BEEN A CITIZEN OF THE UNITED STATES
4 AT LEAST ONE MONTH.

5 2. HE OR SHE SHALL HAVE RESIDED IN THE STATE [~~90~~] 30 DAYS
6 IMMEDIATELY PRECEDING THE ELECTION.

7 3. HE OR SHE SHALL HAVE RESIDED IN THE ELECTION DISTRICT
8 WHERE HE OR SHE SHALL OFFER TO VOTE AT LEAST [~~60~~] 30 DAYS
9 IMMEDIATELY PRECEDING THE ELECTION, EXCEPT THAT IF QUALIFIED TO
10 VOTE IN AN ELECTION DISTRICT PRIOR TO REMOVAL OF RESIDENCE, HE
11 OR SHE MAY, IF A RESIDENT OF PENNSYLVANIA, VOTE IN THE ELECTION
12 DISTRICT FROM WHICH HE OR SHE REMOVED HIS OR HER RESIDENCE
13 WITHIN [~~60~~] 30 DAYS PRECEDING THE ELECTION.

14 4. HE OR SHE SHALL PRESENT VALID IDENTIFICATION PRIOR TO
15 VOTING, REGARDLESS OF VOTING METHOD. IF AN ELECTOR DOES NOT
16 POSSESS VALID IDENTIFICATION, HE OR SHE SHALL, UPON REQUEST, BE
17 FURNISHED WITH A GOVERNMENT-ISSUED IDENTIFICATION AT NO COST TO
18 THE ELECTOR. FOR PURPOSES OF THIS PARAGRAPH, THE TERM "VALID
19 IDENTIFICATION" SHALL MEAN ANY UNEXPIRED GOVERNMENT-ISSUED
20 IDENTIFICATION, UNLESS OTHERWISE AUTHORIZED BY STATUTE.

21 (5) THAT ARTICLE VII BE AMENDED BY ADDING A SECTION TO READ:
22 § 15. ELECTION AUDITS.

23 THE GENERAL ASSEMBLY SHALL BY STATUTE PROVIDE FOR THE
24 AUDITING OF ELECTIONS, INCLUDING THE ADMINISTRATION OF
25 ELECTIONS, CERTIFICATION OF ELECTION MACHINES, THE ACCURACY OF
26 THE LIST OF REGISTERED VOTERS, THE ADMINISTRATION OF VOTER
27 REGISTRATION AND ELECTION RESULTS. ELECTION AUDITS SHALL BE
28 CONDUCTED BY THE AUDITOR GENERAL. IN YEARS WHEN THE AUDITOR
29 GENERAL STANDS FOR ELECTION TO ANY OFFICE, AN INDEPENDENT
30 AUDITOR SHALL CONDUCT THE AUDIT.

1 SECTION 2. (A) UPON THE FIRST PASSAGE BY THE GENERAL
2 ASSEMBLY OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS, THE
3 SECRETARY OF THE COMMONWEALTH SHALL PROCEED IMMEDIATELY TO
4 COMPLY WITH THE ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE
5 XI OF THE CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE
6 REQUIRED ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN
7 WHICH SUCH NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER
8 PASSAGE OF THESE PROPOSED CONSTITUTIONAL AMENDMENTS.

9 (B) UPON THE SECOND PASSAGE BY THE GENERAL ASSEMBLY OF THESE
10 PROPOSED CONSTITUTIONAL AMENDMENTS, THE SECRETARY OF THE
11 COMMONWEALTH SHALL PROCEED IMMEDIATELY TO COMPLY WITH THE
12 ADVERTISING REQUIREMENTS OF SECTION 1 OF ARTICLE XI OF THE
13 CONSTITUTION OF PENNSYLVANIA AND SHALL TRANSMIT THE REQUIRED
14 ADVERTISEMENTS TO TWO NEWSPAPERS IN EVERY COUNTY IN WHICH SUCH
15 NEWSPAPERS ARE PUBLISHED IN SUFFICIENT TIME AFTER PASSAGE OF
16 THESE PROPOSED CONSTITUTIONAL AMENDMENTS. THE SECRETARY OF THE
17 COMMONWEALTH SHALL:

18 (1) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
19 SECTION 1(1) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
20 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
21 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
22 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
23 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
24 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
25 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

26 (2) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
27 SECTION 1(2) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
28 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
29 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
30 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF

1 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
2 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
3 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

4 (3) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
5 SECTION 1(3) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
6 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
7 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
8 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
9 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
10 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
11 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

12 (4) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
13 SECTION 1(4) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
14 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
15 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
16 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
17 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
18 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
19 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

20 (5) SUBMIT THE PROPOSED CONSTITUTIONAL AMENDMENT UNDER
21 SECTION 1(5) OF THIS RESOLUTION TO THE QUALIFIED ELECTORS OF
22 THIS COMMONWEALTH AS A SEPARATE BALLOT QUESTION AT THE FIRST
23 PRIMARY, GENERAL OR MUNICIPAL ELECTION WHICH MEETS THE
24 REQUIREMENTS OF AND IS IN CONFORMANCE WITH SECTION 1 OF
25 ARTICLE XI OF THE CONSTITUTION OF PENNSYLVANIA AND WHICH
26 OCCURS AT LEAST THREE MONTHS AFTER THE PROPOSED
27 CONSTITUTIONAL AMENDMENT IS PASSED BY THE GENERAL ASSEMBLY.

EXHIBIT B

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 106 Session of 2021

INTRODUCED BY ARGALL, MARTIN, STEFANO, PHILLIPS-HILL, DiSANTO, BAKER, MASTRIANO, PITTMAN AND REGAN, JANUARY 22, 2021

AMENDMENTS TO HOUSE AMENDMENTS, IN SENATE, JULY 7, 2022

A JOINT RESOLUTION

1 Proposing separate and distinct amendments to the Constitution
2 of the Commonwealth of Pennsylvania, PROVIDING THAT THERE IS <--
3 NO CONSTITUTIONAL RIGHT TO TAXPAYER-FUNDED ABORTION OR OTHER
4 RIGHT RELATING TO ABORTION; further providing for action on
5 concurrent orders and resolutions and, for Lieutenant <--
6 Governor; providing for executive orders; further providing <--
7 AND for qualifications of electors; and providing for <--
8 election audits.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby resolves as follows:

11 Section 1. The following separate and distinct amendments to
12 the Constitution of Pennsylvania are proposed in accordance with
13 Article XI:

14 (1) THAT ARTICLE I BE AMENDED BY ADDING A SECTION TO READ: <--
15 § 30. ABORTION.

16 THIS CONSTITUTION DOES NOT GRANT THE RIGHT TO TAXPAYER-FUNDED
17 ABORTION OR ANY OTHER RIGHT RELATING TO ABORTION.

18 (1) (2) That section 9 of Article III be amended to read: <--
19 § 9. Action on concurrent orders and resolutions.

20 Every order, resolution or vote, to which the concurrence of

1 both Houses may be necessary, except on the questions of
2 adjournment, disapproval of a regulation or termination or
3 extension of a disaster emergency declaration as declared by an
4 executive order or proclamation, or portion of a disaster
5 emergency declaration as declared by an executive order or
6 proclamation, shall be presented to the Governor and before it
7 shall take effect be approved by him, or being disapproved,
8 shall be repassed by two-thirds of both Houses according to the
9 rules and limitations prescribed in case of a bill.

10 ~~(2)~~ (3) That section 4 of Article IV be amended to read: <--

11 § 4. Lieutenant Governor.

12 A Lieutenant Governor shall be chosen jointly with the
13 Governor by the casting by each voter of a single vote
14 applicable to both offices, for the same term, and subject to
15 the same provisions as the Governor[; he]. Each candidate for
16 Governor, having been nominated under the laws of this
17 Commonwealth, shall, subject to the approval of the political
18 party or political body, if any, nominating such candidate,
19 select a candidate for Lieutenant Governor within such time
20 before the gubernatorial general election as the General
21 Assembly shall prescribe by law. A person may not seek election
22 to both offices simultaneously. The Lieutenant Governor shall be
23 President of the Senate. As such, [he] the Lieutenant Governor
24 may vote in case of a tie on any question except the final
25 passage of a bill or joint resolution, the adoption of a
26 conference report or the concurrence in amendments made by the
27 House of Representatives.

28 ~~(3) That Article IV be amended by adding a section to read: <--~~

29 ~~§ 21. Executive orders.~~

30 ~~An executive order or proclamation by the Governor or an~~

~~1 executive agency with the force and effect of law may not be in
2 effect for more than 21 days, unless otherwise extended in whole
3 or in part by concurrent resolution of the General Assembly.~~

~~4 (4) That section 1 of Article VII be amended to read:~~

~~5 § 1. Qualifications of electors.~~

~~6 [Every citizen 21] Only citizens 18 years of age or older,
7 possessing the following qualifications, shall be entitled to
8 vote at all elections subject, however, to such laws requiring
9 and regulating the registration of electors as the General
10 Assembly may enact.~~

~~11 1. He or she shall have been a citizen of the United States
12 at least one month.~~

~~13 2. He or she shall have resided in the State [90] 30 days
14 immediately preceding the election.~~

~~15 3. He or she shall have resided in the election district
16 where he or she shall offer to vote at least [60] 30 days
17 immediately preceding the election, except that if qualified to
18 vote in an election district prior to removal of residence, he
19 or she may, if a resident of Pennsylvania, vote in the election
20 district from which he or she removed his or her residence
21 within [60] 30 days preceding the election.~~

~~22 4. He or she shall present valid identification prior to
23 voting, regardless of voting method. If an elector does not
24 possess valid identification, he or she shall, upon request, be
25 furnished with a government issued identification at no cost to
26 the elector. For purposes of this paragraph, the term "valid
27 identification" shall mean any unexpired government issued
28 identification, unless otherwise authorized by statute.~~

~~29 (4) THAT SECTION 1 OF ARTICLE VII BE AMENDED TO READ:~~ <--

~~30 § 1. QUALIFICATIONS OF ELECTORS.~~

1 (A) EVERY CITIZEN 21 YEARS OF AGE, POSSESSING THE FOLLOWING
2 QUALIFICATIONS, SHALL BE ENTITLED TO VOTE AT ALL ELECTIONS
3 SUBJECT, HOWEVER, TO SUCH LAWS REQUIRING AND REGULATING THE
4 REGISTRATION OF ELECTORS AS THE GENERAL ASSEMBLY MAY ENACT.

5 1. HE OR SHE SHALL HAVE BEEN A CITIZEN OF THE UNITED STATES
6 AT LEAST ONE MONTH.

7 2. HE OR SHE SHALL HAVE RESIDED IN THE STATE 90 DAYS
8 IMMEDIATELY PRECEDING THE ELECTION.

9 3. HE OR SHE SHALL HAVE RESIDED IN THE ELECTION DISTRICT
10 WHERE HE OR SHE SHALL OFFER TO VOTE AT LEAST 60 DAYS IMMEDIATELY
11 PRECEDING THE ELECTION, EXCEPT THAT IF QUALIFIED TO VOTE IN AN
12 ELECTION DISTRICT PRIOR TO REMOVAL OF RESIDENCE, HE OR SHE MAY,
13 IF A RESIDENT OF PENNSYLVANIA, VOTE IN THE ELECTION DISTRICT
14 FROM WHICH HE OR SHE REMOVED HIS OR HER RESIDENCE WITHIN 60 DAYS
15 PRECEDING THE ELECTION.

16 (B) IN ADDITION TO THE QUALIFICATIONS UNDER SUBSECTION (A)
17 OF THIS SECTION, A QUALIFIED ELECTOR SHALL PROVIDE A VALID
18 IDENTIFICATION AT EACH ELECTION IN ACCORDANCE WITH THE
19 FOLLOWING:

20 1. WHEN VOTING IN PERSON, THE QUALIFIED ELECTOR SHALL
21 PRESENT A VALID IDENTIFICATION BEFORE RECEIVING A BALLOT TO VOTE
22 IN PERSON.

23 2. WHEN NOT VOTING IN PERSON, THE QUALIFIED ELECTOR SHALL
24 PROVIDE PROOF OF A VALID IDENTIFICATION WITH HIS OR HER BALLOT.

25 (C) IF A QUALIFIED ELECTOR DOES NOT POSSESS A VALID
26 IDENTIFICATION, HE OR SHE SHALL, UPON REQUEST AND CONFIRMATION
27 OF IDENTITY, BE FURNISHED WITH A GOVERNMENT-ISSUED
28 IDENTIFICATION AT NO COST TO THE QUALIFIED ELECTOR.

29 (D) FOR PURPOSES OF THIS SECTION, THE TERM "VALID
30 IDENTIFICATION" MEANS AN UNEXPIRED GOVERNMENT-ISSUED

1 IDENTIFICATION, UNLESS OTHERWISE PROVIDED FOR BY LAW.

2 (5) That Article VII be amended by adding a section to read:

3 § 15. Election audits.

4 The General Assembly shall by statute provide for the

5 auditing of elections, including the administration of <--

6 elections, certification of election machines, the accuracy of

7 the list of registered voters, the administration of voter

8 registration and election results. Election audits shall be <--

9 conducted by the Auditor General. In years when the Auditor

10 General stands for election to any office, an Independent

11 Auditor shall conduct the audit.

12 Section 2. (a) Upon the first passage by the General
13 Assembly of these proposed constitutional amendments, the
14 Secretary of the Commonwealth shall proceed immediately to
15 comply with the advertising requirements of section 1 of Article
16 XI of the Constitution of Pennsylvania and shall transmit the
17 required advertisements to two newspapers in every county in
18 which such newspapers are published in sufficient time after
19 passage of these proposed constitutional amendments.

20 (b) Upon the second passage by the General Assembly of these
21 proposed constitutional amendments, the Secretary of the
22 Commonwealth shall proceed immediately to comply with the
23 advertising requirements of section 1 of Article XI of the
24 Constitution of Pennsylvania and shall transmit the required
25 advertisements to two newspapers in every county in which such
26 newspapers are published in sufficient time after passage of
27 these proposed constitutional amendments. The Secretary of the
28 Commonwealth shall:

29 (1) Submit the proposed constitutional amendment under
30 section 1(1) of this resolution to the qualified electors of

1 this Commonwealth as a separate ballot question at the first
2 primary, general or municipal election which meets the
3 requirements of and is in conformance with section 1 of
4 Article XI of the Constitution of Pennsylvania and which
5 occurs at least three months after the proposed
6 constitutional amendment is passed by the General Assembly.

7 (2) Submit the proposed constitutional amendment under
8 section 1(2) of this resolution to the qualified electors of
9 this Commonwealth as a separate ballot question at the first
10 primary, general or municipal election which meets the
11 requirements of and is in conformance with section 1 of
12 Article XI of the Constitution of Pennsylvania and which
13 occurs at least three months after the proposed
14 constitutional amendment is passed by the General Assembly.

15 (3) Submit the proposed constitutional amendment under
16 section 1(3) of this resolution to the qualified electors of
17 this Commonwealth as a separate ballot question at the first
18 primary, general or municipal election which meets the
19 requirements of and is in conformance with section 1 of
20 Article XI of the Constitution of Pennsylvania and which
21 occurs at least three months after the proposed
22 constitutional amendment is passed by the General Assembly.

23 (4) Submit the proposed constitutional amendment under
24 section 1(4) of this resolution to the qualified electors of
25 this Commonwealth as a separate ballot question at the first
26 primary, general or municipal election which meets the
27 requirements of and is in conformance with section 1 of
28 Article XI of the Constitution of Pennsylvania and which
29 occurs at least three months after the proposed
30 constitutional amendment is passed by the General Assembly.

1 (5) Submit the proposed constitutional amendment under
2 section 1(5) of this resolution to the qualified electors of
3 this Commonwealth as a separate ballot question at the first
4 primary, general or municipal election which meets the
5 requirements of and is in conformance with section 1 of
6 Article XI of the Constitution of Pennsylvania and which
7 occurs at least three months after the proposed
8 constitutional amendment is passed by the General Assembly.

EXHIBIT C

AMENDMENTS TO SENATE BILL NO. 106

Sponsor: SENATOR K. WARD

Printer's No. 1279

1 Amend Bill, page 1, line 2, by inserting after

2 "Pennsylvania,"

3 providing that there is no constitutional right to taxpayer-
4 funded abortion or other right relating to abortion;

5 Amend Bill, page 1, line 3, by striking out "AND" where it
6 occurs the second time and inserting a comma

7 Amend Bill, page 1, lines 4 and 5, by striking out ";

8 PROVIDING FOR EXECUTIVE ORDERS; FURTHER PROVIDING" and inserting
9 and

10 Amend Bill, page 1, by inserting between lines 14 and 15

11 (1) That Article I be amended by adding a section to read:
12 § 30. Abortion.

13 This constitution does not grant the right to taxpayer-funded
14 abortion or any other right relating to abortion.

15 Amend Bill, page 1, line 15, by striking out "(1)" and
16 inserting

17 (2)

18 Amend Bill, page 2, line 9, by striking out "(2)" and
19 inserting

20 (3)

21 Amend Bill, page 3, lines 20 through 30; page 4, lines 1
22 through 20; by striking out all of said lines on said pages and
23 inserting

24 (4) That section 1 of Article VII be amended to read:
25 § 1. Qualifications of electors.

26 (a) Every citizen 21 years of age, possessing the following

1 qualifications, shall be entitled to vote at all elections
2 subject, however, to such laws requiring and regulating the
3 registration of electors as the General Assembly may enact.

4 1. He or she shall have been a citizen of the United States
5 at least one month.

6 2. He or she shall have resided in the State 90 days
7 immediately preceding the election.

8 3. He or she shall have resided in the election district
9 where he or she shall offer to vote at least 60 days immediately
10 preceding the election, except that if qualified to vote in an
11 election district prior to removal of residence, he or she may,
12 if a resident of Pennsylvania, vote in the election district
13 from which he or she removed his or her residence within 60 days
14 preceding the election.

15 (b) In addition to the qualifications under subsection (a)
16 of this section, a qualified elector shall provide a valid
17 identification at each election in accordance with the
18 following:

19 1. When voting in person, the qualified elector shall
20 present a valid identification before receiving a ballot to vote
21 in person.

22 2. When not voting in person, the qualified elector shall
23 provide proof of a valid identification with his or her ballot.

24 (c) If a qualified elector does not possess a valid
25 identification, he or she shall, upon request and confirmation
26 of identity, be furnished with a government-issued
27 identification at no cost to the qualified elector.

28 (d) For purposes of this section, the term "valid
29 identification" means an unexpired government-issued
30 identification, unless otherwise provided for by law.

31 Amend Bill, page 4, lines 24 through 27, by striking out "..
32 INCLUDING THE ADMINISTRATION OF" in line 24, all of lines 25 and
33 26 and "REGISTRATION" in line 27

34 Amend Bill, page 4, lines 27 and 28, by striking out "..
35 ELECTION AUDITS SHALL BE CONDUCTED"

EXHIBIT D

IN THE SUPREME COURT OF PENNSYLVANIA

Docket No. 73 MM 2022

TOM WOLF, GOVERNOR OF THE COMMONWEALTH OF
PENNSYLVANIA, AND LEIGH M. CHAPMAN, ACTING SECRETARY OF
THE COMMONWEALTH OF PENNSYLVANIA,

Petitioners,

v.

GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA,

Respondent.

DECLARATION OF SAJDA ADAM

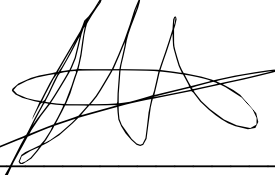
DECLARATION OF SAJDA ADAM

I, Sajda Adam, declare as follows:

1. I am 19 years old and reside in Philadelphia County, Pennsylvania.
2. I currently attend Drexel University in Philadelphia County, Pennsylvania.
3. I am currently eligible to vote. I am involved with youth voting initiatives and consider myself to be an informed voter.
4. I have read Senate Bill 106 and found it confusing, particularly with respect to the voting age and residency requirements.
5. In reading Senate Bill 106, I interpret the section regarding voter age to mean that the voting age under the Pennsylvania Constitution is, or would be, 21. I also interpreted the section regarding residency to mean that I would need to reside in my election district 60 days prior to the election instead of 30. Because there are no changes to the actual language regarding voting age and residency, without any clarifying context it appears that 21 would be the age required by the Pennsylvania Constitution to vote. I am confused about whether those age and residency requirements are intended to be and/or are going to be changed by SB 106.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of August, 2022.



Sajda Adam

EXHIBIT E

IN THE SUPREME COURT OF PENNSYLVANIA

Docket No. 73 MM 2022

TOM WOLF, GOVERNOR OF THE COMMONWEALTH OF
PENNSYLVANIA, AND LEIGH M. CHAPMAN, ACTING SECRETARY OF
THE COMMONWEALTH OF PENNSYLVANIA,

Petitioners,

v.

GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA,

Respondent.

DECLARATION OF SIMONE ROBERTS

DECLARATION OF SIMONE ROBERTS

I, Simone Roberts, declare as follows:

1. I am 18 years old.
2. I have recently resided in Philadelphia County, Pennsylvania.
3. I currently attend Susquehanna University in Snyder County, Pennsylvania.
4. I intend to register to vote in advance of upcoming elections.
5. I have read Senate Bill 106.
6. As an 18-year old resident of Pennsylvania who is currently eligible to vote in the upcoming November election, I have no way of knowing how my State Senator or Representative from the Pennsylvania House of Representatives voted or would have voted on the voting age and residency language in the proposed amendment to Article VII, § 1 of the Pennsylvania Constitution.
7. After reading SB 106, it is not clear to me if my State Senator or Representative support increasing the voting age to 21 and lengthening residency requirements in Pennsylvania, as is shown on the proposed amendment.
8. I would not vote for a representative who voted in favor of eliminating my right to vote until I turn 21 or who would vote to lengthen the residency requirements beyond 30 days.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of August, 2022.

A handwritten signature in black ink that reads "Simone Roberts". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Simone Roberts

EXHIBIT F

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The Rock

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Selena Gomez

 **badbunny**
Bad Bunny

 **edsheeran**
Ed Sheeran

 **karolg**
Karol G

← Back to For You





#SB106 does NOT raise the voting age! The language is a little confusing, but there are other laws that ensure the voting age can never be raised above 21. #votingrights #voterrights #pennsylvania #pa #senate #houseofrepresentatives #constitutionalrights


🎵 original sound - Maddy Brown


 **xmadsterr**
Maddy Brown · 7-12 [Follow](#)


6 comments


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 **The.Art.Rehab**
Thank you for this information! ❤️
7-12 🍷 2 Reply

 **RecklessRoca**
I'm hank you for getting all this out
7-15 🍷 1 Reply

 **RecklessRoca**
Oh man my autocorrect was off the hook this morning
7-15 🍷 0 Reply

 **Dani_pa**
I had to ask a friend who used to work for common cause to clarify this, and i am technically a registered lobbyist 😊
7-19 🍷 0 Reply

 **Maddy Brown · Creator**
The way they word things is so frustrating and just sets us up for failure. It's not fair, tbh 🙄
7-19 🍷 0 Reply


 **Dani_pa**
I mean, legal writing is completely different...and lawmakers screw things up in bill drafting "all the time"
7-19 🍷 0 Reply

EXHIBIT G

Elections, News, Top 5

f t

Increase The Voting Age To 21? PA GOP Wants To Eradicate Youth Vote

"This is an explosive situation and young people are in genuine danger of being disenfranchised. This should be front page news."



Photo via Shutterstock.

by Jenny Stephens | July 29, 2022

If you are 18 or 19 years old, would you be disturbed if Pennsylvania's Republican Party told you that you're not old enough to vote in the upcoming November election? This could happen next year.

Most people are familiar with how Pennsylvania **Senate Bill 106** attempts to ban abortion by the Republican-led legislature, but there's a lot more to the bill than that. It's a power grab to ensure control in the Commonwealth remains in Republican hands by limiting, and *eliminating*, who may vote.

"The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age." — 26th Amendment of the U.S. Constitution

Passed by Congress in 1971, the 26th Amendment was ratified by the Commonwealth of Pennsylvania that same year.

Believe it or not, the Pennsylvania Constitution never caught up; **Article VII, Section 1** still says the voting age is 21, but that age qualifier is rendered moot by federal law.

"This is an explosive situation and young people are in genuine danger of being disenfranchised," said Daniel Kurz, a Scranton resident and adjunct professor of political science at Middlesex County College in New Jersey. "This should be front page news."

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Young voters' ballots in gubernatorial and other state and local races may be especially critical in such places as **#Pennsylvania** and **#Georgia**, where new **@GOP** draconian **#abortion** bans and restrictions are a possibility depending on election results. READ: tinyurl.com/3m2meayd

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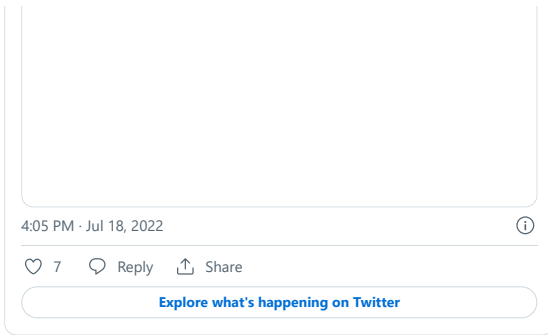
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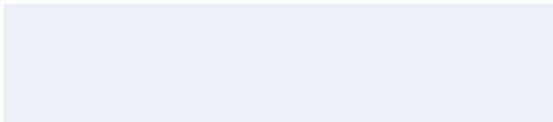
He is right. So I tried to find out why language appears in SB106 that would seemingly seek to increase the voting age from 18 to 21.

I went in search of that answer by calling upon Republican state representatives in Bucks County who voted for this bill. Calls were placed to Representatives **Schroeder, Staats, Farry, Thomas, and Polinchock.**

An aide from Rep. Frank Farry's office returned the call but had no answers. Rep. Craig Staats (R-145) was the only representative to return my call and actually discuss the bill. He acknowledged that SB106 contrasts with the U.S. Constitution. He said he had suggested the bill be amended, but it wasn't and he voted for it anyway. I asked how the language came to be part of this bill in the first place and he recommended that I call Senator Dave Argall (R-29), the bill's primary sponsor.

So I did.

A legislative aide from Argall's office told me that: I had an incorrect copy of the bill (I did not), that the language in the bill was a mistake (I don't believe it is), that the proposal to increase the voting age would bring the state constitution into compliance with "current law" (it won't), and that the state constitution hasn't been updated because it's too expensive a process (they updated it last year after stripping the governor of emergency powers via referendum). At the end of the conversation I knew no more than when I had started. No one has been able to provide a comprehensive reason as to how or why this verbiage is a part of SB106 or, more importantly, who proposed it.



CIRCLE, the Center for Information and Research on Civic Learning and Engagement, is a non-partisan, independent research organization focused on youth civic engagement in the United States. They provided a few interesting statistics that might explain why the PAGOP is looking to silence young voters:

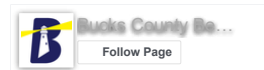
- 1) Pennsylvania has had above-average youth (ages 18-29) voter turnout in recent elections: 54% in 2020 (national turnout rate: 50%), and 30% in 2018 (national rate: 28%)
- 2) Youth were critical to the 2020 presidential election results in PA: in a race decided by less than 100,000 votes, young people cast more than 750,000 votes and favored President Biden over President Trump by a 20-point margin.

Why else would Republicans want to raise the voting age? Robert Tracinski, who has written for **The Federalist** and been featured on many radio and television shows, including Rush Limbaugh and "The O'Reilly Factor," made his case to raise the age in 2018 by saying:

"The teens going on television to agitate for gun control after the Parkland shooting make the case, not for lowering the voting age, but for raising it."

Taking Tracinski's position into consideration, it's not a leap to suggest that the Republican Party is afraid of younger voters who are not inclined to vote for antiquated ideologies that fail to address increasing the minimum wage, implementing common sense gun legislation, bolstering health care coverage, addressing climate change and more.

"Unless this language represents some kind of error in drafting, and I seriously think it does not at this point, this represents the greatest single act of mass disenfranchisement in the modern history of the State of Pennsylvania. It's that wide-



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ranging,” said Kurz. “You’re talking about revoking the voting rights of millions, in an absolutely relentless power grab.”

Governor Tom Wolf filed a **lawsuit** Thursday to contest SB106 and address the attack on reproductive rights.

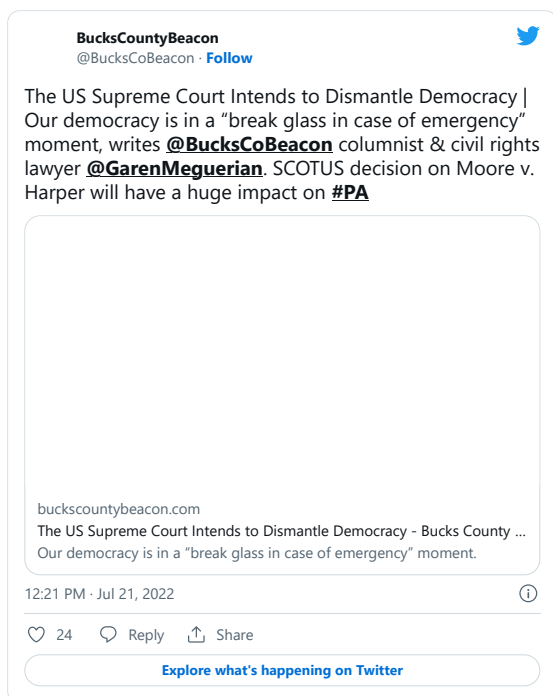
In addition to protecting a woman’s right to choose, the governor’s **press release** regarding the legal filing also stated:

“Further, the governor asserted that the multiple, unrelated amendments packaged as a single joint resolution are unconstitutional because the General Assembly pushed the proposed amendments forward without allowing each proposed amendment to be voted upon separately.”

Wolf’s lawsuit will not end the Republicans’ attempt to take Pennsylvania back to the 1950s.

“By present standards, the wording (of SB106) would violate the Federal Constitution, but many Republicans are hoping that the U.S. Supreme Court will reverse decades of voting rights decisions in favor of state regulations,” Kurz added. “Regardless, it is a breathtaking act of arrogance, worthy of comparison with the legislative acts that took away voting rights from millions when Apartheid was first implemented in South Africa. Young people deserve answers, now.”

Professor Kurz is right. The Supreme Court has agreed to hear arguments in **Moore v. Harper** later this year with a decision expected about a year from now in the summer of 2023. Should SCOTUS rule in favor of Moore, state legislatures – not state officials or courts – will have control over elections.



From this vantage point it would appear that the Republicans are laying groundwork with SB106 in preparation of a ruling that would toss the control of elections to state legislatures.

The timing would be paramount for determining the outcome of the 2024 presidential election.

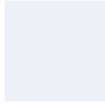
Mark Pinsley, the Democratic Senate candidate for Pennsylvania’s 16th District, and the current Controller for Lehigh County, also expressed concerns regarding the language in SB106.

“I believe they are laying the groundwork for SB106 to become a trigger law in the same way many states were triggered by Roe versus Wade.” said Pinsley. “The goal is to immediately diminish the number of democratic voters.”

Quite possibly the remedy to the SB106 voting age issue is for 18 and 19 year olds in Pennsylvania to register and vote in the upcoming November election for candidates who support democracy, especially since youth voter registration has fallen since 2018.

To register to vote, or to check your registration, click here.

Like Sign Up to see what your friends like.



Jenny Stephens

Jenny Stephens is a freelance journalist who has written for a variety of publications, including The Reporter. An avid collector of all things vintage, she resides in Lansdale, PA.

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EXHIBIT H



JULY 8, 2022

Big, bad news: PA Senate changing state's Constitution to strip us of abortion and voting rights!

Late last night, Republicans in the PA State Senate changed the senate rules to pass a bill to amend our State Constitution to add language that states explicitly that it DOES NOT guarantee any rights relating to abortion or public funding of abortions.

AND THERE'S MORE: The package of proposed amendments would also **require voters to show ID at polling places**, have gubernatorial candidates choose their own running mates, and shift responsibility and oversight of election audits from counties to the Auditor General. It would also change the voting age, alter residency requirements, and more to disrupt election eligibility.

See the details below:

SUMMARY OF SB 106

ABORTION: Denies state right to abortion or abortion funding in PA

- SB 106 would deny the right to abortion care in Pennsylvania—even in cases of rape, incest, or life-threatening conditions—if federal protections are weakened or overturned.
- SB 106 also proposes to amend into the state constitution language that copies an existing law prohibiting public insurance coverage of abortion care.
- If approved by PA voters, SB 106 would preempt any state court from protecting abortion care in the absence of federal protections.

VOTER ID: Requires voters to present “valid identification” prior to voting, regardless of the voting method.



- Require that all voters must present “valid identification” regardless of voting method.
- Define valid identification as “any unexpired government-issued identification, unless otherwise authorized by statute.”
- If a voter does not have “valid identification,” the voter must request and be furnished with a government-issued Identification at no cost to the voter.

ELECTION AUDITS: Shifts responsibility and oversight of election audits from counties to the Auditor General.

- SB 106 would add a new section to Article VII, Section 15 (Election audits) to require the General Assembly to provide for the auditing of elections via statute, which must include audits of:
 - Administration of elections
 - Certification of election machines
 - Accuracy of the registered voters list
 - Administration of voter registration
 - Election results
- SB 106 would require the Auditor General to conduct the audits. In years when the Auditor General stands for election to any office, an independent auditor will conduct the audit.

ELECTION ELIGIBILITY: Makes technical changes to voting age and residency requirements.

- SB 106 would amend Article VII, Section 1 (Qualifications of electors) to:
- Change the voting age from 21 to 18 to comply with federal constitutional and statutory law.
- Change the residency requirement for living in the state from 90 days to 30 days to comply with federal and state statutory law
- Change the residency requirement for living in the election district from 60 days to 30 days to comply with federal and state statutory law.
- Change the time that a voter can vote in a prior election district after moving to another district from 60 to 30 days. In other words, if a voter moves within 30 days of an election, they could still vote in their old district.

EXECUTIVE ORDERS: Imposes a 21-day limit on executive orders.

- SB 106 would add a new section to Article IV (The Executive) to limit the duration of an



EXECUTIVE REGULATION: Allows the legislature to reject executive-level regulations.

- SB 106 would amend Article III, Section 9 (Action on concurrent orders and resolutions) to provide a new exception to traditional legislative procedure by allowing the General Assembly to disapprove of an executive regulation without needing the Governor's approval.
- Currently, Article III, Section 9 establishes a general rule that all orders, resolutions or votes requiring approval by both the House of Representatives and Senate must be presented to the Governor for approval or veto. Resolutions for the adjournment of the General Assembly and disaster declarations are exempted from this process. If the order, resolution or vote is approved by the Governor, it becomes law. If the Governor vetoes the resolution, it does not become law unless two-thirds of the House and Senate vote to override the veto. SB 106 would create an additional exception to this procedure, which would remove veto power from the Governor if/when the legislature rejects a regulation issued by the Governor or an executive-level agency.

LIEUTENANT GOVERNOR: Changes the selection process for the Lt. Governor.

- Currently, the Lieutenant Governor of Pennsylvania is elected separately from the Governor.
- SB 106 would amend Article IV, Section 4 (Lieutenant Governor) of the Constitution to require each candidate for Governor, upon winning the nomination of the candidate's party, to choose a candidate for Lieutenant Governor no later than 90 days before the general gubernatorial election. Candidates for Lt. Governor would be subject to approval of the candidate's political party.
- SB 106 would prohibit a candidate from seeking election to both offices of Governor and Lieutenant Governor simultaneously.
- This process would be similar to how candidates for Vice President are selected and appear on the ballot.





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IN THE SUPREME COURT OF PENNSYLVANIA

Tom Wolf, Governor of the Commonwealth of Pennsylvania, and Leigh M. Chapman, Acting Secretary of the Commonwealth of Pennsylvania, Petitioners

: 73 MM 2022
:
:

v.

General Assembly of the Commonwealth of Pennsylvania, Respondent

PROOF OF SERVICE

I hereby certify that this 19th day of August, 2022, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service

Served: Daniel Thomas Brier
Service Method: eService
Email: dbrier@mbklaw.com
Service Date: 8/19/2022
Address: 425 Spruce Street
Scranton, PA 18503
Phone: 570--34-2-6100
Representing: Petitioner Tom Wolf, Governor of Comm. of PA and Leigh M. Chapman, Acting Secretary of Comm. of f

Served: Donna Ann Walsh
Service Method: eService
Email: dwalsh@mbklaw.com
Service Date: 8/19/2022
Address: 425 Spruce Street, Suite 200
P.O. Box 551
Scranton, PA 18501
Phone: (57-0) -342-6100
Representing: Petitioner Tom Wolf, Governor of Comm. of PA and Leigh M. Chapman, Acting Secretary of Comm. of f

IN THE SUPREME COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Erik Roberts Anderson
Service Method: eService
Email: eanderson@postschell.com
Service Date: 8/19/2022
Address: 17 N. Second Street
12th Floor
Harrisburg, PA 17101
Phone: 717-612-6035
Representing: Respondent General Assembly of the Commonwealth of Pennsylvania

Served: Erin Renee Kawa
Service Method: eService
Email: ekawa@postschell.com
Service Date: 8/19/2022
Address: 17 N. 2nd Street
12th Floor
Harrisburg, PA 17101
Phone: 717-612-6057
Representing: Respondent General Assembly of the Commonwealth of Pennsylvania

Served: Gregory George Schwab
Service Method: eService
Email: grschwab@pa.gov
Service Date: 8/19/2022
Address: 333 Market Street, 9th Floor
Office of Chief Counsel
Harrisburg, PA 17126-0333
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IN THE SUPREME COURT OF PENNSYLVANIA

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IN THE SUPREME COURT OF PENNSYLVANIA

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IN THE SUPREME COURT OF PENNSYLVANIA

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Possible Intervenor Roberts, Simone