

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

LEAGUE OF WOMEN VOTERS OF
PENNSYLVANIA, et al.,
Petitioners,

v.

COMMONWEALTH OF
PENNSYLVANIA, et al.,
Respondents.

Docket No. 261 MD 2017

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2017, upon consideration of the Application for Leave to Intervene, and any answer thereto, it is hereby ORDERED that the Application is DENIED.

BY THE COURT:

, J.

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LEAGUE OF WOMEN VOTERS OF
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COMMONWEALTH OF
PENNSYLVANIA, et al.,
Respondents.

Docket No. 261 MD 2017

**ANSWER OF GOVERNOR TOM WOLF TO APPLICATION FOR LEAVE
TO INTERVENE FILED BY REGISTERED ELECTORS OF THE
REPUBLICAN PARTY**

Governor Tom Wolf (Governor Wolf), by and through his undersigned counsel, and pursuant to Rule 123 of the Pennsylvania Rules of Appellate Procedure, file this Answer to the Application for Leave to Intervene (Application) filed by Registered Electors of the Republican Party (Proposed Intervenors). For the Court's benefit, this response is presented as a narrative statement, rather than a point-by-point response to the numbered paragraphs of the original Application.

As a preliminary matter, and without admitting any of the factual allegations or legal conclusions contained in Proposed Respondents' Application, Governor Wolf does not generally object to Proposed Intervenor's participation in this matter. However, because Proposed Intervenors' interests are adequately represented by Respondents Turzai and Scarnati (the General Assembly Respondents), such intervention is unnecessary for the following reasons.

I. THE PROPOSED INTERVENORS HOLD NO SPECIAL OR DISTINCT INTEREST IN THIS MATTER, AND PRESENT NO UNIQUE DEFENSES.

Proposed Intervenors seek to participate in this matter asserting that they wish to “protect their personal, individual, fundamental, and legally enforceable interests and constitutional rights of voting, freedom of expression, and freedom of association” which, in Applicant’s view, may be adversely affected by this matter. *See*, Application at Para. 64. Such interests, however, are synonymous with the interests of the General Assembly respondents, who have already filed Preliminary Objections to Petitioners’ complaint.

Indeed, none of Petitioners’ allegations, or the legal identities or standing of the General Assembly Respondents, preclude the General Assembly Respondents from raising the same defenses as those asserted by the Proposed Intervenors. In fact, the General Assembly Respondents have already raised defenses that are wholly consistent and often synonymous with those pled by the Proposed Intervenors.

Specifically, the General Assembly Respondents have filed preliminary objections that assert the same general defenses that Proposed Intervenors wish to assert. For example, Proposed Intervenors contend that the Complaint is non-justiciable, that it fails to state a cognizable claim, and that the result will ultimately be dictated by the United States’ Supreme Court’s decision in *Gill v. Whitford*, Supreme Court Docket Number 16-1161, appeal of *Whitford v. Gill*, 218

F. Supp. 3d 837 (W.D. Wis. 2016). *See*, Application at Para. 65.

Similarly, the General Assembly Respondents seek to stay this matter pending the United States Supreme Court's decision in *Whitford*. Further, the General Assembly Respondents assert in their Preliminary Objections, *inter alia*, that the Complaint is legally insufficient, that it is non-justiciable, and that Petitioners' lack standing. *See, generally*, Preliminary Objections of General Assembly Respondents.

II. CONCLUSION

Wherefore, because the Application for Leave to Intervene demonstrates that Proposed Intervenors' interests are adequately represented, and presents no special and distinct interest or unique defenses, the Application should be DENIED.

Respectfully submitted,

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Date: August 23, 2017

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CERTIFICATE OF SERVICE

I, THOMAS P. HOWELL, hereby certify that on this 23rd day of August 2017, the foregoing **Answer of Governor Tom Wolf to Application for Leave to Intervene filed by Registered Electors of the Republican Party** has been served upon counsel in the manner indicated below, which service satisfies the requirements of Pennsylvania Rule of Appellate Procedure 121:

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