



# Archer Files Amicus Curiae Brief for Pro Bono Client Pennsylvania Budget and Policy Center

Press Releases

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## FOR IMMEDIATE RELEASE:

**Voorhees, N.J. (October 31, 2022) —**

Archer & Greiner, P.C. (Archer) filed an Amicus Curiae brief for Pro Bono client, the Pennsylvania Budget and Policy Center (PBPC), on October 28, 2022 in the Commonwealth Court of Pennsylvania. The brief was filed in support of petitioners, Governor Tom Wolf and Acting Secretary Leigh M. Chapman, v. the Pennsylvania General Assembly.

The brief opposes the General Assembly's end-run around the exacting process required to amend Pennsylvania's founding charter through Senate Bill 106 ("SB 106"), which proposed constitutional amendment, among others, to change how the Commonwealth's Lieutenant Governor is selected.

PBPC has particular concern about the proposed amendment that vests power in the Auditor General to conduct an audit of each election, thus allowing for an audit of elections when the political party in power is dissatisfied. The Amicus brief outlines three respects in which SB 106 is flawed:

- First, it violates Article XI, Section 1 of the Pennsylvania Constitution for reasons already set forth in the Brief filed by League of Women Voters of Pennsylvania, Sajda Adams, and Simone Roberts, insofar as it was part of a broad-sweeping resolution, which deprived voters of knowing whether their representatives supported each amendment.
- Second, it violates Article XI, Section 1 because it substantially affects already existing constitutional authority granted to the courts to review and determine contested elections. Specifically, the Pennsylvania Constitution explicitly directs the "trial and determination of contested elections of electors of President and Vice- President, members of the General Assembly, and of all public officers, whether State, judicial,

municipal or local, and contests involving questions submitted to the electors at any election” to “the courts of law, or by one or more of the law judges.” Article VII, §13.

- Third, it violates principles of separation of powers.

Archer attorney, Shelley Smith, Partner and Chief of Diversity, Equity, and Inclusion, said “The upcoming election reminds us of the importance of ensuring that our legislators follow the law when attempting to change the rules that impact our democracy. We have been pleased to assist the Pennsylvania Budget and Policy Center, which has done important work to educate Pennsylvanians about economic and civic problems, in its effort to protect the rights of Pennsylvania voters. We look forward to the Commonwealth Court’s careful consideration of these important issues.”

Marc Stier, Director of PBPC added “Our concern is that giving the auditor general power to audit elections, subject to rules created by the legislative branch of government gives more power to the General Assembly and, in this case, one executive branch official, while undermining the independent authority of the courts. This and other proposed amendments will ultimately weaken the power of the people over their government.”

PBPC is a nonpartisan, statewide policy research project that provides independent and credible analysis on state tax, budget, and related policy matters. PBPC works towards the goal of an equitable Pennsylvania. PBPC has a demonstrated interest in the substantive issues raised in SB 106 and the Pennsylvania General Assembly’s prior efforts to alter Pennsylvania’s current structure of government and its constitutionally established democratic structure.

To learn more and to read a copy of the brief, visit: <https://www.archerlaw.com/wp-content/uploads/2022/10/Amicus-Curiae-Brief.pdf>

### **About Archer & Greiner, P.C.**

Founded in 1928, Archer & Greiner, P.C. (Archer) is a full-service law firm serving Fortune 100 clients, small to medium-sized businesses and individuals. The firm provides litigation and transactional services in nearly every area of law, including business counseling, labor & employment, real estate, health care, intellectual property, family and matrimonial, personal injury, public finance, tax, trusts and estates, bankruptcy, land use and environmental law. With 175 attorneys, Archer has nine offices, including Voorhees, Hackensack, Princeton and Red Bank, NJ; Philadelphia and Harrisburg, PA; Wilmington, DE; New York, NY; and Houston, TX.

### **About the Pennsylvania Budget and Policy Center**

Launched formally in 2007, the Pennsylvania Budget and Policy Center (PBPC) is a nonpartisan, statewide policy research project of the Keystone Research Center that provides independent, credible analysis on state tax, budget, and related policy matters with attention to the impact of policy proposals on working individuals and families.

PBPC’s vision is that all Pennsylvania taxpayers will enjoy a system of taxation that is fair and progressive and that raises sufficient revenue to provide quality public services and economic prosperity.



PBPC provides information and analysis on short-term budget, policy, and revenue proposals as well as long-term trends and challenges.

PBPC is part of a national network of similar organizations in more than half the states as part of the State Priorities Partnership coordinated by the Washington, D.C.-based Center on Budget and Policy Priorities.

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