

Pennsylvania Democratic Party v. Boockvar (2020). Justice Baer authored majority.

Holding: The majority held that Act 77 and the Election Code permitted county boards of election to establish secure drop boxes and satellite offices for hand-delivery of mail-in ballots, that the statutory Election Day “received-by” deadline had to be extended by three days due to COVID-19 and mail delays, and that ballots received by that deadline without a legible postmark would be presumed timely. The Court further ruled that the “naked ballots” (submitted without the secrecy envelope) could lawfully be rejected and that the poll watcher residency requirement did not violate state or federal constitutional protections.

Analysis: The Court found the Election Code’s text was ambiguous on ballot delivery locations but should be interpreted liberally to protect the franchise, consistent with the legislature’s intent in Act 77 to expand access to voting. It found that enforcing the strict statutory deadline during the pandemic would disenfranchise voters in violation of the Pennsylvania Constitution’s Free and Equal Elections Clause but characterized the three-day extension as a temporary equitable remedy rather than a legislative rewrite. The Court, however, upheld the secrecy envelope requirement as a valid antifraud measure and found that the poll watcher residency rule advanced legitimate state interests.

Wecht Partial Concurrence:

- Concurred: Joined the majority on all substantive holdings: drop boxes permitted, 3-day extension valid, no right to cure, naked ballots invalid, poll watcher residency requirement upheld.
- Emphasized:
 - Wrote separately to stress concerns about ambiguous statutory drafting.
 - Urged courts to treat “shall” in the Election Code as mandatory, to avoid judicial guesswork.
 - Supported the majority’s results but warned that legislative clarity was needed going forward.

Donohue Partial Concurrence:

- Concurred: Joined majority on drop boxes, no curing requirement, naked ballots invalid, poll watcher residency requirement valid.
- Dissented:
 - Justice Donohue disagreed with the deadline extension, arguing that the statute was clear and that ballots must be received by 8:00 p.m. on election day. She maintained that the Court had no discretion to interpret it differently and further concluded that the majority had ‘usurped the General Assembly’s exclusive authority. She further disagreed with the majority’s three-day extension remedy.
 - Argued the Court’s fix strayed too far from the legislature’s design and that alternative remedies, such as adjusting the ballot application deadlines, would have been preferable.

Saylor Partial Concurrence:

- Concurred: Agreed with the majority on no ballot curing, naked ballots invalid, and poll watcher residency valid.
- Dissented:
 - He dissented on the issue of drop boxes, explaining that he believed the Election Code only authorized in-person delivery to staffed county election offices, not to unmanned drop boxes or satellite sites.
 - He also dissented on the ballot-receipt deadline, opposing the three-day extension and viewing it as a judicial rewrite of the legislature's text.
 - Also joined Justice Donohue's dissent in part on Count II (deadline extension).

Mundy's Dissent:

- Concurred: Agreed with majority that no cure required, naked ballots invalid, poll watcher residency requirement valid.
- Dissented: Drop Boxes: Dissented — joined Saylor's view that only staffed county offices, not drop boxes, were lawful under the Code.

Background: Petitioner filed a petition for review in Commonwealth Court against Secretary of the Commonwealth Kathy Boockvar and all 67 county election boards, seeking declaratory and injunctive relief to protect absentee and mail-in voting. The petition raised five main issues: (1) whether Act 77 permits secure ballot collection options like drop boxes; (2) extending the mail ballot receipt deadline beyond Election Day to align with UOCAVA deadlines; (3) requiring counties to notify voters of ballot defects so they can cure errors; (4) preventing rejection of "naked ballots" lacking secrecy envelopes; and (5) confirming that poll watcher residency requirements do not violate federal or state constitutional provisions. Multiple parties, including the Trump campaign, the RNC, and Republican legislative leaders, sought to intervene, while organizations such as the League of Women Voters and Common Cause attempted to join as co-petitioners. Due to the imminence of the election, the Pennsylvania Supreme Court took jurisdiction over the case to decide the above issues before the 2020 election.