

[J-76-2004]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

GREGORY L. SHAMBACH,	:	No. 951 MAL 2003
	:	
Appellant	:	Petition for Allowance of Appeal from the
v.	:	order of the Commonwealth Court, dated
	:	December 24, 2003, reversing the order of
RICHARD W. BICKHART,	:	the Court of Common Pleas of Snyder
	:	County, dated November 26, 2003
Appellee.	:	
	:	SUBMITTED: February 17, 2004
In re: Pennsylvania General Election for	:	
Snyder County Commissioner, November	:	
4, 2003	:	
	:	
Appeal of Gregory L. Shambach of	:	
Recount and Certification of Election	:	
Returns	:	

DISSENTING OPINION

MR. JUSTICE EAKIN

Decided: March 26, 2004

The majority has taken the plain, lucid, unambiguous phrase “the name of any person not already printed on the ballot” and used “liberal interpretation” to make it mean “the name of any person whether already printed on the ballot or not.” This is not liberal interpretation; it is judicial alchemy to which I cannot subscribe.

Legislative phrases that are clear should not give rise to judicial reinterpretation, much less the pursuit of the phantasm of legislative intent. When the legislature speaks clearly, as here, it matters not what a court wishes to divine as their collective intent, whether in pursuit of a sympathetic result or not. It is an invasion of the legislative prerogative to transmogrify clear and unambiguous words into an opposite result.

Accordingly, I must dissent.