

[J-60-2000]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

PENNSYLVANIA PRISON SOCIETY; : No. 46 M.D. Appeal Docket 1999
JULIA D. HALL; GREGORY H. KNIGHT; :
FIGHT FOR LIFERS, INC.; WILLIAM : Appeal from the Order of the
GOLDSBY; JOAN PORTER; : Commonwealth Court entered 03/22/99 at
GRATERFRIENDS, INC., JOAN F. : 893MD97
GAUKER; VINCENT JOHNSON; :
FRIENDS COMMITTEE TO ABOLISH :
THE DEATH PENALTY, INC.; KURT :
ROSENBERG; PENNSYLVANIA :
ABOLITIONISTS UNITED AGAINST THE : 727 A.2d 632 (Pa. Cmwlth. 1999)
DEATH PENALTY, AN :
UNINCORPORATED ASSOCIATION BY :
TERRY RUMSEY AND WILLIAM :
GOLDSBY; TERRY RUMSEY, ROGER :
BUEHL, AM-7936 SCI-GREENE; :
DOUGLAS HOLLIS, AF-6355 SCI COAL :
TOWNSHIP, DIANNA HOLLIS, :

Appellees

v.

COMMONWEALTH OF PENNSYLVANIA; :
HONORABLE TOM RIDGE, :
GOVERNOR; PENNSYLVANIA BOARD :
OF PARDONS; AND HONORABLE KIM :
PIZZINGRILLI, SECRETARY OF THE :
COMMONWEALTH OF PENNSYLVANIA :
AND REPRESENTATIVE MATTHEW J. :
RYAN, AS SPEAKER OF THE HOUSE :
OF REPRESENTATIVES OF THE :
COMMONWEALTH OF PENNSYLVANIA; :
AND SENATOR ROBERT C. :
JUBELIRER, AS PRESIDENT PRO :
TEMPORE OF THE SENATE OF THE :
COMMONWEALTH OF PENNSYLVANIA, :

INTERVENORS, :
: :
Appellants : ARGUED: May 1, 2000

CONCURRING OPINION

MR. JUSTICE SAYLOR

DECIDED: July 25, 2001

I join the majority in holding that the amendments at issue do not violate the proscriptions of Article XI, Section 1, but disassociate myself from the majority’s apparent rejection (made most explicit in its footnote 4) of a subject-matter focus to determine whether alterations are sufficiently interrelated to justify their presentation to the electorate in a single question.¹ See generally Bergdoll v. Kane, 557 Pa. 72, 89, 731 A.2d 1261, 1263 (1999)(Saylor, J., concurring).

Mr. Justice Castille and Madame Justice Newman join this concurring opinion.

¹ I note that jurisdictions interpreting virtually identical constitutional requirements have employed a single-subject test and examined the interdependence of the proposed constitutional changes in determining the necessity for separate votes. See, e.g., Korte v. Bayless, 16 P.3d 200, 203-05 (Ariz. 2001) (explaining a “common-purpose formulation” to inquire into whether the proposed amendments are sufficiently related to “constitute a consistent and workable whole on the general topic embraced”); Clark v. State Canvassing Bd., 888 P.2d 458, 462 (N.M. 1995) (applying a “rational linchpin” of interdependence test); Sears v. State, 208 S.E. 2d 93, 100 (Ga. 1974) (inquiring into whether all of the proposed changes “are germane to the accomplishment of a single objective”) (quotations and citations omitted); Fugina v. Donovan, 104 N.W. 2d 911, 914 (Minn. 1960) (upholding separate propositions that, although they could have been submitted separately, were rationally related to a single purpose, plan, or subject).