

**[J-79-2006]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

**CAPPY, C.J., CASTILLE, NEWMAN, SAYLOR, EAKIN, BAER, BALDWIN, JJ.**

MARY BETH KUZNIK, JIM FERLO, : No. 18 MAP 2006  
SALLIE W. BRADLEY, MERLE L. :  
KUZNIK, CLARE VAILL, TIMOTHY : Appeal from the Order of the  
KRUPAR, WILLIAM P. KUZNIK, : Commonwealth Court entered on  
JEFFREY HAILS, JOHN W. HETLER, : February 13, 2006 at No. 18 MD 2006  
CHARLENE MAY HETLER, AND : which Granted the Preliminary Injunction.  
MATTHEW HETLER, :  
:

APPELLEES

v.

WESTMORELAND COUNTY BOARD OF :  
COMMISSIONERS, WESTMORELAND :  
COUNTY BOARD OF ELECTIONS AND :  
PEDRO A. CORTÉS, SECRETARY OF : ARGUED: March 1, 2006  
THE COMMONWEALTH, :

APPEAL OF PEDRO A. CORTÉS

**CONCURRING OPINION**

**MR. JUSTICE CASTILLE**

**FILED: July 20, 2006**

I agree that the Help America Vote Act, 42 U.S.C. §§ 15301-15545, preempts the referendum requirement in the Pennsylvania Election Code, Section 1102, 25 P.S. § 3002, and therefore I concur in the result of the Majority Opinion.

Mr. Justice Eakin and Madame Justice Baldwin join this opinion.