

Pennsylvania Family Council

Voter Guide

Retention of Supreme Court Justices Donohue, Dougherty, and Wecht



Voters will be asked to vote YES or NO to retain each of the justices for another 10-year term.

Christine Donohue ☐ YES ☐ NO

Kevin Dougherty ☐ YES ☐ NO

David Wecht ☐ YES ☐ NO

The PA Supreme Court Retention Election: Three Pennsylvania Supreme Court Justices are running for another 10-year term. In this election, voters will decide whether each Justice should serve another term. Below is a chart reflecting how these Justices ruled in cases involving key issues that affect all Pennsylvanians. Your retention election choices will be "Yes" (to retain) or "No" (to not retain) for each Justice listed.

Justice of the Supreme Court

Candidate Name	Abortion	2020 Mail-In Ballot Deadline	2020 Mail-In Ballot Outside Date	2018 Congressional Map	2022 Congressional Map Selection	COVID-19 Shutdowns	Ending a Disaster Emergency
Christine Donohue	●	●	●	●	●	●	●
Kevin Dougherty	●	●	●	●	●	●	●
David Wecht	●	●	●	●	●	●	●

Key: ● Bad ruling for Pennsylvania families ● Mixed ● Good ruling for Pennsylvania families

Noted endorsements for all three Justices

Planned Parenthood Pennsylvania Advocates, Pennsylvania State Education Association, National Democratic Redistricting Committee

Abortion

(Allegheny Reproductive Health Center v. PA Department of Human Services)

Abortion providers challenged Pennsylvania's long-standing ban on using Medicaid funds for most abortions and asked the court to find a right to abortion in the Pennsylvania Constitution. In 2023, the Supreme Court (including Wecht, Donohue, and Dougherty) overturned a ruling that had maintained the ban on abortion funding. It returned the case to the lower courts to decide whether the Medicaid abortion ban itself is unconstitutional.

Two of the justices, Donohue and Wecht, would have gone further. They supported the abortion industry's request to declare a "fundamental right to reproductive autonomy," something not found in the Pennsylvania Constitution. This means abortion policy in Pennsylvania may soon be dictated by the Court rather than the legislature.

2020 Mail-In Ballot Deadline

(Pennsylvania Democratic Party v. Boockvar)

The Democratic Party sought adjustments to mail-in voting rules during the pandemic. The Court (including Wecht and Dougherty) extended the ballot receipt deadline by three days, ruled that ballots lacking a legible postmark should be presumed timely, and allowed counties to use ballot drop boxes. It declined to require signature matching. Justice Donohue dissented.

2020 Mail-In Ballot Outside Date

(In re: Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election)

After the 2020 election, parties disputed whether counties had to reject mail ballots when the outer-envelope declaration lacked a handwritten name, address, and/or date. The Court (including Donohue) decided that ballots should not be thrown out just because the voter left the name or address blank on the envelope, since the law does not require those fields. For that election, the Court also said missing dates on the envelope did not automatically make a ballot invalid, though Wecht disagreed. Dougherty dissented.

2018 Congressional Map

(League of Women Voters of PA v. Commonwealth)

In 2017, the League of Women Voters challenged Pennsylvania's 2011 congressional district map as an unconstitutional partisan gerrymander under the state's Free and Equal Elections Clause. The Supreme Court (including Donohue, Wecht and Dougherty) struck down the map in mid-election cycle in 2018 and ordered the legislature to redraw it. The Court ultimately adopted its own revised map, despite the constitutional responsibility for redistricting given to the state legislatures. (U.S. Constitution, Article 1, Section 4)

2022 Congressional Map Selection

(Carter v. Chapman)

The case: After the 2020 Census, Gov. Wolf vetoed the Congressional map approved by the Legislature. The Court (including Donohue, Dougherty, and Wecht) concluded that when no agreement is reached, the Court on its own can adopt a different proposal, despite Article 1, Section 4 of the U.S. Constitution.

COVID-19 Shutdowns

(Friends of Danny DeVito v. Wolf)

Several small businesses and a political candidate argued that Governor Wolf's 2020 COVID-19 shutdown orders violated constitutional rights, including property rights, equal protection, and separation of powers. The Supreme Court (including Wecht, Donohue, and Dougherty) upheld the Governor's authority under the state's emergency powers law, ruling that the closures were a valid use of executive power during a public health crisis.

Ending a Disaster Emergency

(Wolf v. Scarnati/Corman)

Legislative leaders argued that lawmakers could end the Governor's COVID-19 disaster emergency simply by passing a resolution without sending it to the Governor. The Court (including Donohue, Wecht and Dougherty) ruled that the Governor must be allowed to approve or veto, with the possibility of a legislative override.



P E N N S Y L V A N I A

Family Council

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