

[J-79-2024]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

BLACK POLITICAL EMPOWERMENT : No. 68 MAP 2024
PROJECT, POWER INTERFAITH, MAKE :
THE ROAD PENNSYLVANIA, ONEPA : Appeal from the Order of the
ACTIVISTS UNITED, NEW PA PROJECT : Commonwealth Court at No. 283
EDUCATION FUND, CASA SAN JOSÉ, : MD 2024 dated August 30, 2024.
PITTSBURGH UNITED, LEAGUE OF :
WOMEN VOTERS OF PENNSYLVANIA, : SUBMITTED: September 4, 2024
AND COMMON CAUSE PENNSYLVANIA :

v.

AL SCHMIDT, IN HIS OFFICIAL CAPACITY :
AS SECRETARY OF THE :
COMMONWEALTH, PHILADELPHIA :
COUNTY BOARD OF ELECTIONS, AND :
ALLEGHENY COUNTY BOARD OF :
ELECTIONS :

APPEAL OF: REPUBLICAN PARTY OF :
PENNSYLVANIA AND REPUBLICAN :
NATIONAL COMMITTEE :

ORDER

PER CURIAM

AND NOW, this 13th day of September, 2024, the order of the Commonwealth Court is VACATED. The Commonwealth Court lacked subject matter jurisdiction to review the matter given the failure to name the county boards of elections of all 67 counties, and because the joinder of Al Schmidt, in his official capacity as Secretary of the Commonwealth, did not suffice to invoke the Commonwealth Court's original jurisdiction. See 42 Pa.C.S. § 761(a)(1); see also *Penn. State Educ. of Ass'n ex rel.*

Wilson v. Com., Dept. of Comm. and Econ. Dev., 50 A.3d 1263, 1277 (Pa. 2012) (“In determining whether a party is indispensable, the basic inquiry remains ‘whether justice can be done in the absence of a third party.’”); *Sprague v. Casey*, 550 A.2d 184, 189 (Pa. 1988) (“[U]nless all indispensable parties are made parties to an action, a court is powerless to grant relief. . . . Thus, the absence of such a party goes absolutely to the court’s jurisdiction.”) (citation omitted). The request for extraordinary jurisdiction pursuant to 42 Pa.C.S. § 726 is DENIED.

Justice Wecht files a dissenting statement in which Chief Justice Todd and Justice Donohue join.

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