

Pennsylvania Supreme Court

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THE ISSUES

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Nonpartisan Voters Guide to the 2023 Carluccio-McCaffery Supreme Court Race

A seat on the Pennsylvania Supreme Court is up for election on November 7. The Pennsylvania Supreme Court has seven justices. Four are currently Democrats, and two are Republicans, with the one open seat. This election won't change the Democratic majority. But a Republican victory would strengthen their minority and make possible a Republican majority when the next seat is up for election. The Court's last election [was closely decided](#), won by less than 25,000 votes out of nearly 2.8 million cast.

The Pennsylvania Supreme Court decides questions of state law that often have a significant impact. In recent years, the Court:

- [Reversed a lower court order](#) that had halted 2020 general election results certification, allowing certification to proceed.
- Held that the 2011 congressional map drawn by the state legislature [constituted an illegal, partisan gerrymander](#).
- Ruled that the Fifth Amendment to the U.S. Constitution [protects people from being forced to hand over their digital passwords](#).
- Overturned [provisions of Pennsylvania's shale drilling law](#).
- Ruled that election officials should reject most [undated and wrong-dated absentee and mail-in ballots](#).
- Held that [warrantless searches are unjustified](#) if they are based solely on the smell of cannabis.

To help you decide this election, we've assembled background about the candidates' education and previous work experience, along with public statements and publicized endorsements, to indicate how they might rule on key issues in the future.

CAROLYN CARLUCCIO

judgecarluccio.com

Carolyn Carluccio [graduated from Dickinson College and earned a J.D. degree from Widener University School of Law](#). She has been [a judge on the Montgomery County Court of Common Pleas since 2010](#) and the President Judge since 2022. She served as Assistant United States Attorney from 1989 to 1997 and was the Montgomery County Chief Public

DANIEL MCCAFFERY

judgemccaffery.com

Daniel McCaffery [graduated from Temple University and earned a JD degree from Temple University School of Law](#). He has been [a judge of the Superior Court of Pennsylvania since 2020](#) and a judge of the Philadelphia Court of Common Pleas from 2014 to 2019, and was an Assistant District Attorney from 1991 to 1996. He was in private practice from 1997 to

Defender from 2002 to 2006. As a volunteer, she has [taught sixth graders civic education](#) for the past ten years.

- On abortion, in the primary campaign called herself a [defender of “All Life Under the Law,”](#) and listed her [endorsement by the Pennsylvania Pro-Life Federation](#). In August said, [“women’s reproductive rights are protected by Pennsylvania law”](#) and can only be changed by the governor and legislature.
- On COVID, [opposed mandating masking for Montgomery County employees](#) during the pandemic. “You’re not going to mask my employees,... I’m not mandating masking.... The science did not support it at that point in time.”
- On gun rules, is a [“Defender of 2nd Amendment Rights.”](#)
- On her judicial philosophy, she [follows conservative U.S. Supreme Court Justice Antonin Scalia’s originalism](#), interpreting the Constitution according to the original intent of the authors.
- On LGBTQ rights, [“was thrilled to be” officiating a same-sex marriage.](#)
- On voting rules, says that [Act 77](#), which expanded mail-in voting and absentee voting options in Pennsylvania, [“has been very bad for our Commonwealth.”](#)
- On why she’s running, [she’s running to](#) “bring balance to the Court,” which currently has a 4-2 Democratic majority. “I am running to get politics out of the Court.”

Carluccio’s endorsements include the [Republican Party of Pennsylvania](#), [Pennsylvania Chamber of Business and Industry](#), [Pennsylvania Pro-Life Federation](#), [Pro-Life Coalition of Pennsylvania](#), and the [County Detectives Association of Pennsylvania](#).

2013. He served in the U.S. Army and Army Reserve and was honorably discharged. As a volunteer for the Democratic Party, he [participated in more than 50 political campaigns](#).

- On abortion, as a Justice would [“protect... women’s reproductive rights.”](#) [“I trust my daughters to make their own decisions, their best decisions for their own reproductive rights.”](#)
- On labor, as a Justice would [“protect... worker rights.”](#)
- On his judicial philosophy, [“The law is the vehicle that drives society toward a more level playing field.”](#) A Justice’s [“real role is to define the relationships between government and citizens.”](#)
- On LGBTQ rights, as a Justice would [“protect... LGBTQ+ equality.”](#) Marched in [the Pittsburgh Pride Parade](#).
- On voting rules, supports [“voting rights”](#) and reposted a tweet that [opposed efforts to invalidate Act 77](#) and reduce mail-in voting.
- On why he’s running, [“I’m running to become a Supreme Court Justice](#) with the courage and conviction to protect, defend, and obey our constitution and the rights it provides.” [“Our courts...have been politicized.”](#) “I will use my best efforts to [restore faith in the judicial branch of government.”](#)

McCaffery’s endorsements include the Pennsylvania Democratic Party, Planned Parenthood, the Pennsylvania State Building & Construction Trades Council, Pennsylvania Conference of Teamsters, and the Pennsylvania Professional Firefighters Association.

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