

= Trinsey v. Pennsylvania =

Trinsey v. Pennsylvania 941 F.2d 224 was a case decided by the United States Court of Appeals for the Third Circuit that confirmed the validity of special elections held without a primary under the Fourteenth and Seventeenth Amendments to the United States Constitution . The case came about due to the death of H. John Heinz III , one of the US Senators from Pennsylvania , in a plane crash on April 4 , 1991 . Under the Seventeenth Amendment , state legislatures may give the Governor the power to appoint officials to fill temporarily vacant Senate seats until a special election can be held , and Pennsylvanian law contained a statute executing this and requiring no primaries for the special election . Instead , both the Democrats and Republicans would each internally select their candidates . John S. Trinsey Jr . , a voter and potential candidate , asked the United States District Court for the Eastern District of Pennsylvania to declare the statute unconstitutional as a violation on the Fourteenth and Seventeenth amendments , because the lack of a primary removed his right to properly vote for candidates and delegated that power to political parties .

After deciding that the statute 's subject matter necessitated the strict scrutiny approach , the District Court decided on June 10 , 1991 that it was an unconstitutional violation of the right to vote for and select Senate candidates . This decision was appealed to the Court of Appeals for the Third Circuit , who decided against the use of the strict scrutiny approach and , in its absence , ruled that the statute was not a violation of the Fourteenth and Seventeenth Amendments . Academics have been critical of both the decision reached and the approach used , with one suggesting that the " substantial state interests " test used in Valenti v. Rockefeller would be more appropriate .

= = Background = =

On April 4 , 1991 H. John Heinz III , one of the US Senators from Pennsylvania , was killed when his chartered plane collided with a helicopter inspecting its landing gear . Under the Seventeenth Amendment to the United States Constitution , the legislature of each state has the power to permit the governor to fill the vacant seat until a special election can be held . In Pennsylvania , this power had been delegated , and Governor Robert P. Casey signed a writ on May 13 , 1991 , declaring November 5 the date for a special election and temporarily appointing Harris Wofford to fill Heinz 's now @-@ vacant seat . Under Pennsylvanian law , there was no need for a primary in such a situation ; instead , both the Democrats and Republicans would each internally select their candidate , who would run in the special election . John S. Trinsey Jr . , a member of the Pennsylvanian electorate and potential candidate , challenged the constitutionality of this law , claiming that it violated his rights under the Fourteenth and Seventeenth Amendments .

Trinsey argued that , by failing to allow for primaries , the state legislation prevented him from getting to select a candidate of his choice , and that this violated the Fourteenth Amendment ; the terms of the statute (and absence of a requirement for primaries) also allegedly infringed the rights of the electorate under the Seventeenth Amendment , which required the selection of Senators by popular vote ; Trinsey 's complaint was that the legislation had effectively delegated the power to choose candidates to political parties rather than the electorate . Accordingly , Trinsey filed a motion for a declaratory judgment to state that the statute was unconstitutional , and also requested that Wofford be removed from his seat . Counsel for the Commonwealth of Pennsylvania , joined by the office of the Governor , argued that the constitution did not require the holding of primary elections to fill vacancies , and that the statute " protected valid and compelling state interests in protecting the validity of the electoral process and limiting the term of a [governor-] appointed Senator " .

= = Judgment = =

The case was first heard in the United States District Court for the Eastern District of Pennsylvania , where , following oral arguments , the judge dismissed both Trinsey 's motion to remove Wofford and the Commonwealth 's motion to dismiss . On June 10 , 1991 , however , the District Court declared the statute unconstitutional , stating that it violated both the Fourteenth and Seventeenth

Amendments due to the failure to ensure " popular participation " through the use of primary elections . This decision was reached following an analysis of the legislative history of the Seventeenth Amendment and electoral processes ; based on this analysis , the court concluded that the Pennsylvanian use of a nomination process before a special election implied a right to vote , which was violated by the lack of a primary and necessitated a strict scrutinising of the legislation . After considering the evidence , the court concluded that " the interests the Commonwealth put forth in support of the statute could not outweigh the infringement of the right to vote " , leading to the conclusion that the statute governing special elections was unconstitutional .

With this " the public , press and political parties quickly turned their attention to the case " , with the Republican State Committee of Pennsylvania (supported by their Democratic counterparts) and several prominent politicians intervening . They moved to expedite an appeal to the Court of Appeals for the Third Circuit . In a unanimous opinion , the Court of Appeals (consisting of Sloviter , Greenberg and Seitz) confirmed that there was no restriction of any fundamental right , and therefore that the strict scrutiny process did not need to be applied . In the absence of this process , they held that the Seventeenth Amendment did not require primary elections to fill vacancies , and more broadly gave state legislatures wide discretion as to how to hold elections ; as such , the statute did not violate the constitution . In December 1991 the Supreme Court denied a writ of certiorari , presumably because the special election had already taken place in November and the issue was thus moot .

= = Significance = =

Laura E. Little , writing in the Temple Law Review , notes the dearth of guidance for either the District Court or Court of Appeals in *Trinsey* , with no " explicit direction and no direct precedent " from either the constitutional provisions or prior case law to rely on . In the absence of guidance , the Court of Appeals took a narrow view of the issues , something she criticises . Under Pennsylvanian law , primaries are mandatory in all other elections , and in her opinion the lack of a primary in this case should have been judged to be a violation of *Trinsey* 's fundamental rights . Combined with the purpose of the Seventeenth Amendment - to ensure direct election - this should have led to the application of the strict scrutiny test , and the decision that the statute governing special elections was unconstitutional . Kevin M. Gold instead suggests that the test used in *Valenti v. Rockefeller* , an analogous decision over the validity of New York state electoral law . In *Valenti* , the judiciary applied the " substantial state interests " test , which involves simply looking at whether the statute in question furthers the interests of the states , who under the Seventeenth Amendment are given some discretion as to the electoral process they use .