

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CAROL ANN CARTER, MONICA	:	
PARRILLA, REBECCA	:	No.: 132 MD 2021
POYOUROW, WILLIAM TUNG,	:	
ROSEANN MILAZZO, BURT	:	
SIEGEL, SUSAN CASSANELLI,	:	APPLICATION FOR LEAVE TO
LEE CASSANELLI, LYNN	:	INTERVENE BY PROPOSED
WACHMAN, MICHAEL	:	INTERVENORS THE
GUTTMAN, MAYA FONKEU,	:	REPUBLICAN PARTY OF
BRADY HILL, MARY ELLEN	:	PENNSYLVANIA AND
BALCHUNIS, TOM DEWALL,	:	INDIVIDUAL REPUBLICAN
STEPHANIE MCNULTY, and	:	VOTERS
JANET TEMIN,	:	
	:	
Petitioners,	:	Filed on Behalf of Proposed
	:	Intervenors - Respondents:
v.	:	
VERONICA DEGRAFFENREID, in	:	Republican Party of
her official capacity as the Acting	:	Pennsylvania, Inc., et al.
Secretary of the Commonwealth of	:	
Pennsylvania; and JESSICA	:	Counsel for Proposed
MATHIS, in her official capacity as	:	Intervenors:
Director of the Bureau of Election	:	
Services and Notaries,	:	Thomas W. King, III, Esquire
	:	Pa. I.D. No. 21580
Respondents,	:	Thomas E. Breth, Esquire
	:	Pa. I.D. No. 66350
v.	:	Jordan P. Shuber, Esquire
REPUBLICAN PARTY OF	:	Pa. I.D. No. 317823
PENNSYLVANIA, INC.; PATRICIA	:	
K. POPRIK; DAVID TORRES;	:	Jason B. Torchinsky
BILLY LANZILOTTI; NANCY	:	(Va. ID No. 47481)**
BECKER; MICHAEL D. STRAW;	:	<i>pro hac vice application</i>
JAMES DEPP; JOSEPH P.	:	<i>forthcoming</i>
VICHOT; JUSTIN BEHRENS;	:	

THOMAS WHITEHEAD; LEE	:	Jonathan P. Lienhard	
BECKER; LOUIS CAPOZZI; KIRK	:	(Va. ID No. 41648) **	
RADANOVIC; PAUL NYMAN;	:	<i>pro hac vice</i>	<i>application</i>
JAMES MAGUIRE, JR.; KRISTINE	:	<i>forthcoming</i>	
L. ENG; DONNA COSMELLO;	:		
JAMES FOREMAN; DAVID BALL;	:	Shawn T. Sheehy	
JAMES VASILKO; LYNNE RYAN;	:	(Va. ID No. 82630) **	
CYNTHIA KIRK; DARYL	:	<i>pro hac vice</i>	<i>application</i>
METCALFE; LUKE NEGRON;	:	<i>forthcoming</i>	
SUE ANN MEANS; REV. TODD	:		
JOHNSON, MICHAEL HARVEY;	:		
and LOUISA GAUGHEN,	:		
	:		
Proposed Intervenors.	:		

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CAROL ANN CARTER, MONICA	:	
PARRILLA, REBECCA	:	No.: 132 MD 2021
POYOUROW, WILLIAM TUNG,	:	
ROSEANN MILAZZO, BURT	:	
SIEGEL, SUSAN CASSANELLI,	:	APPLICATION FOR LEAVE TO
LEE CASSANELLI, LYNN	:	INTERVENE BY PROPOSED
WACHMAN, MICHAEL	:	INTERVENORS THE
GUTTMAN, MAYA FONKEU,	:	REPUBLICAN PARTY OF
BRADY HILL, MARY ELLEN	:	PENNSYLVANIA AND
BALCHUNIS, TOM DEWALL,	:	INDIVIDUAL REPUBLICAN
STEPHANIE MCNULTY, and	:	VOTERS
JANET TEMIN,	:	
	:	
Petitioners,	:	Filed on Behalf of Proposed
	:	Intervenors - Respondents:
	:	
v.	:	
	:	Republican Party of
VERONICA DEGRAFFENREID, in	:	Pennsylvania, Inc., et al.
her official capacity as the Acting	:	
Secretary of the Commonwealth of	:	Counsel for Proposed
Pennsylvania; and JESSICA	:	Intervenors:
MATHIS, in her official capacity as	:	
Director of the Bureau of Election	:	Thomas W. King, III, Esquire
Services and Notaries,	:	Pa. I.D. No. 21580
	:	Thomas E. Breth, Esquire
Respondents,	:	Pa. I.D. No. 66350
	:	Jordan P. Shuber, Esquire
	:	Pa. I.D. No. 317823
	:	
REPUBLICAN PARTY OF	:	Jason B. Torchinsky
PENNSYLVANIA, INC.; PATRICIA	:	(Va. ID No. 47481)**
K. POPRIK; DAVID TORRES;	:	<i>pro hac vice application</i>
BILLY LANZILOTTI; NANCY	:	<i>forthcoming</i>
BECKER; MICHAEL D. STRAW;	:	
JAMES DEPP; JOSEPH P.	:	
VICHOT; JUSTIN BEHRENS;	:	
THOMAS WHITEHEAD; LEE	:	
BECKER; LOUIS CAPOZZI; KIRK	:	

RADANOVIC; PAUL NYMAN;	:	Jonathan P. Lienhard
JAMES MAGUIRE, JR.; KRISTINE	:	(Va. ID No. 41648) **
L. ENG; DONNA COSMELLO;	:	<i>pro hac vice application</i>
JAMES FOREMAN; DAVID BALL;	:	<i>forthcoming</i>
JAMES VASILKO; LYNNE RYAN;	:	
CYNTHIA KIRK; DARYL	:	Shawn T. Sheehy
METCALFE; LUKE NEGRON;	:	(Va. ID No. 82630) ** <i>pro hac vice</i>
SUE ANN MEANS; REV. TODD	:	<i>application forthcoming</i>
JOHNSON, MICHAEL HARVEY;	:	
and LOUISA GAUGHEN,	:	
Proposed Intervenors.	:	

**APPLICATION FOR LEAVE TO INTERVENE
BY PROPOSED INTERVENORS, THE REPUBLICAN PARTY OF
PENNSYLVANIA AND INDIVIDUAL REPUBLICAN VOTERS**

AND NOW, come Proposed Intervenors, The Republican Party of Pennsylvania Inc., a Pennsylvania non-profit corporation, and individual Republican Voters, (“Proposed Intervenors”), by and through the undersigned counsel, to respectfully submit this Application for Leave to Intervene as Intervenor in the above-captioned proceeding, pursuant to Rule 2327 of the Pennsylvania Rules of Civil Procedure.

I. INTRODUCTION

In the law, as in most other aspects of life, timing is everything. File a lawsuit too late, the case is dismissed for mootness. File a lawsuit too soon, the case is dismissed for ripeness. File a lawsuit at the right time, the plaintiff has standing.

Petitioners bring this lawsuit too early. Because there is not even any draft legislation to challenge, and, in fact, no data that could be used to begin drafting legislation, Petitioners base their theory of standing on the hackneyed maxim: history repeats itself. Of course, contrary to Petitioners' assumption here, history is never verbatim.¹

There are many links in the causal chain connecting Petitioners' prophesied inaction on the part of the legislature and Governor to Petitioners' asserted injuries. If a single one of these causal links are broken, then this Court's assertion of jurisdiction is void *ab initio*. This Court does not first assume jurisdiction and then search for an injury to remedy.

Most fundamentally, the Census Bureau has not released any redistricting data. Especially for one person, one vote purposes, the Census Bureau's redistricting data is historically the most reliable and is therefore the data most commonly used to comply with the one person, one vote requirement. See *Karcher v. Daggett*, 462 U.S. 725, 738 (1983) ("Furthermore, because the census count represents the best population data available, *it is the only basis* for good-faith attempts to achieve

¹ *FEC v. Wis. Right to Life, Inc.*, 551 U.S. 449, 463 (2007) (rejecting the FEC's suggestion of mootness under the "capable of repetition yet evading review" mootness exception, saying: "History repeats itself, but not at the level of specificity demanded by the FEC.").

population equality.”) (internal quotation marks and citation omitted) (emphasis added). Accordingly, when evaluating one person, one vote claims, the census data is the only compilation of data that courts have historically accepted. Neither this Court nor the legislature have access to this data to ascertain which districts are overpopulated. Petitioners ask this Court to assert jurisdiction based on an unreliable guess about the course of future events and which districts are overpopulated.

Because the Census Bureau data is not yet available, and Petitioners acknowledge it will not be available until the end of September, Pennsylvania’s General Assembly has not even initiated the process for drafting redistricting legislation. It has not held hearings, it has not sought information from the various state and local officials as to their interests in the new redistricting map, and it has not sought information from minority groups for the purpose of drawing districts that comply with Section 2 of the Voting Rights Act. The General Assembly cannot begin this task until it has the data. Similarly, the Governor cannot engage in fruitful negotiations with the General Assembly without access to the data. Far from bringing claims that are not yet ripe, Petitioners’ claims are not even budding.

II. PROPOSED INTERVENORS

1. The Republican Party of Pennsylvania is a non-profit corporate entity organized and existing under the Nonprofit Corporation Law of 1988, as amended. The Republican Party of Pennsylvania is the State committee for the Party, a recognized major political party under Pennsylvania law. 25 P.S. § 2831(a); 25 P.S. § 2834. Over 3,000,000 Pennsylvanians are registered Republicans, and the majority of the members of the Pennsylvania House and Senate are Republicans. The Republican Party of Pennsylvania is also the State Committee of the national Republican Party and is accordingly registered with the Federal Election Commission. 52 U.S.C. § 30101(15).

2. Proposed Intervenor, Patricia K. Poprik, is a registered Pennsylvania voter who consistently votes Republican. Ms. Poprik resides in Pennsylvania's First Congressional District in Bucks County where she serves as the County Chair of the Bucks County Republican Committee. Ms. Poprik intends to vote and advocate for the Republican nominee for her Congressional District in the 2022 elections.

3. Proposed Intervenor, David Torres, is a registered Pennsylvania voter who consistently votes Republican. Mr. Torres resides within Pennsylvania's Second Congressional District in Philadelphia County. In

2020, Mr. Torres was the Republican nominee for the U.S. House of Representatives for the Second Congressional District. Mr. Torres may run as a Republican candidate for Pennsylvania's Second Congressional District of the U.S. House of Representatives in 2022. In any event, Mr. Torres intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

4. Proposed Intervenor, Billy Lanzilotti, is a registered Pennsylvania voter who consistently votes Republican. Mr. Lanzilotti resides within the Third Congressional District in Philadelphia County where he actively participates in voter registration activities on behalf of the Republic Party. Mr. Lanzilotti intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

5. Proposed Intervenor, Nancy Becker, is a registered Pennsylvania voter who consistently votes Republican. Ms. Becker resides within Pennsylvania's Fourth Congressional District in Montgomery County where she serves as the Vice Chair of the Montgomery County Republican Committee. Ms. Becker intends to vote and advocate for the Republican nominee for her Congressional District in the 2022 elections.

6. Proposed Intervenor, Michael D. Straw, is a registered Pennsylvania voter who consistently votes Republican. Mr. Straw resides in

the Fifth Congressional District in Media Borough, Delaware County, where he serves as the Chairman of the Media Borough Republican Committee. Mr. Straw intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

7. Proposed Intervenor, James Depp, is a registered Pennsylvania voter who consistently votes Republican. Mr. Depp resides in the Sixth Congressional District in Chester County where he serves as a Republican volunteer on various campaigns for public office. Mr. Depp intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

8. Proposed Intervenor, Joseph P. Vichot, is a registered Pennsylvania voter who consistently votes Republican. Mr. Vichot resides in the Seventh Congressional District in Lehigh County where he serves as the Chairman of the Lehigh County Republican Committee. Mr. Vichot intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

9. Proposed Intervenor, Justin Behrens, is a registered Pennsylvania voter who consistently votes Republican. Mr. Behrens resides in the Eighth Congressional District in Luzerne County where he serves as the Chairman of the Republican Committee of Luzerne County. Mr. Behrens

intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

10. Proposed Intervenor, Thomas Whitehead, is a registered Pennsylvania voter who consistently votes Republican. Mr. Whitehead resides in the Eighth Congressional District in Monroe County where he serves as the Chairman of the Monroe County Republican Committee. Mr. Whitehead intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

11. Proposed Intervenor, Lee Becker, is a registered Pennsylvania voter who consistently votes Republican. Mr. Becker resides in the Ninth Congressional District in Carbon County where he serves as the Chair of the Carbon County Republican Committee. Mr. Becker intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

12. Proposed Intervenor, Louis Capozzi, is a registered Pennsylvania voter who consistently votes Republican. Mr. Capozzi resides in the Tenth Congressional District in Cumberland County where he serves as the Chair of the Cumberland County Republican Committee. Mr. Capozzi intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

13. Proposed Intervenor, Kirk Radanovic, is a registered Pennsylvania voter who consistently votes Republican. Mr. Radanovic resides in the Eleventh Congressional District in Lancaster County where he serves as Chairman of the Lancaster County Republican Committee. Mr. Radanovic intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

14. Proposed Intervenor, Paul Nyman, is a registered Pennsylvania voter who consistently votes Republican. Mr. Nyman resides in the Twelfth Congressional District in Lycoming County where he serves as a Republican volunteer. Mr. Nyman intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

15. Proposed Intervenor, James Maguire, Jr., who is a registered Pennsylvania voter who consistently votes Republican. Mr. Maguire resides in the Twelfth Congressional District in Clinton County where he serves as a volunteer and business owner. Mr. Maguire intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

16. Proposed Intervenor, Kristine L. Eng, is a registered Pennsylvania voter who consistently votes Republican. Ms. Eng resides in the Twelfth Congressional District in Centre County where she serves as the Chairperson of the Centre County Republican Committee. Ms. Eng intends

to vote and advocate for the Republican nominee for her Congressional District in the 2022 elections.

17. Proposed Intervenor, Donna Cosmello, is a registered Pennsylvania voter who consistently votes Republican. Ms. Cosmello resides in the Twelfth Congressional District in Susquehanna County where she serves as the Susquehanna County Republican Chairperson. Ms. Cosmello intends to vote and advocate for the Republican nominee for her Congressional District in the 2022 elections.

18. Proposed Intervenor, James Foreman, who is a registered Pennsylvania voter who consistently votes Republican. Mr. Foreman resides in the Thirteenth Congressional District in Blair County where he serves as the Chairman of the Blair County Republican Committee. Mr. Foreman intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

19. Proposed Intervenor, David Ball, is a registered Pennsylvania voter who consistently votes Republican. Mr. Ball resides in the Fourteenth Congressional District in Washington County where he serves as the Chairman of the Washington County Republican Party. Mr. Ball intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

20. Proposed Intervenor, James Vasilko, is a registered Pennsylvania voter who consistently votes Republican. Mr. Vasilko resides in the Fifteenth Congressional District in Cambria County where he serves as a State Committee Member of the Republican Party of Pennsylvania. Mr. Vasilko intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

21. Proposed Intervenor, Lynne Ryan, is a registered Pennsylvania voter who consistently votes Republican. Ms. Ryan resides in the Sixteenth Congressional District in Lawrence County where she serves as a State Committee Member of the Republican Party of Pennsylvania. Ms. Ryan intends to vote and advocate for the Republican nominee for her Congressional District in the 2022 elections.

22. Proposed Intervenor, Cynthia Kirk, is a registered Pennsylvania voter who consistently votes Republican. Ms. Kirk resides in the Seventeenth Congressional District in Allegheny County where she serves as a State Committee Member of the Republican Party of Pennsylvania. Ms. Kirk intends to vote and advocate for the Republican nominee for her Congressional District in the 2022 elections.

23. Proposed Intervenor, Daryl Metcalfe, is a registered Pennsylvania voter who consistently votes Republican. Mr. Metcalfe resides

in the Seventeenth Congressional District in Butler County where he serves as both a State Representative for Pennsylvania's 12th Legislative District and a State Committee Member of the Republican Party of Pennsylvania. Mr. Metcalfe intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

24. Proposed Intervenor, Luke Negron, is a registered Pennsylvania voter who consistently votes Republican. Mr. Negron resides in the Eighteenth Congressional District in Allegheny County where he was the 2020 Republican nominee for the U.S. House of Representatives for the Eighteenth Congressional District. Mr. Negron may run as a Republican candidate for Pennsylvania's Eighteenth Congressional District of the U.S. House of Representatives in 2022. In any event, Mr. Negron intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

25. Proposed Intervenor, Sue Ann Means, is a registered Pennsylvania voter who consistently votes Republican. Ms. Means resides in the Eighteenth Congressional District in Allegheny County where she serves as a State Committee Member of the Republican Party of Pennsylvania. Ms. Means intends to vote for and advocate for the Republican nominee for her Congressional District in the 2022 elections.

26. Proposed Intervenor, Reverend Todd Johnson, is a registered Pennsylvania voter who consistently votes Republican. Rev. Johnson resides in the Third Congressional District in Philadelphia County. Rev. Johnson intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

27. Proposed Intervenor, Michael Harvey, is a registered Pennsylvania voter who consistently votes Republican. Mr. Harvey resides in the Third Congressional District in Philadelphia County where he was the 2020 Republican nominee for the U.S. House of Representatives for the Third Congressional District. Mr. Harvey may run as a Republican candidate for Pennsylvania's Third Congressional District of the U.S. House of Representatives in 2022. In any event, Mr. Harvey intends to vote and advocate for the Republican nominee for his Congressional District in the 2022 elections.

28. Proposed Intervenor, Louisa Gaughen, is a registered Pennsylvania voter who consistently votes Republican. Ms. Gaughen resides in the Tenth Congressional District in Cumberland County where she serves as a State Committee Member of the Republican Party of Pennsylvania. Ms. Gaughen intends to vote and advocate for the Republican nominee for her Congressional District in the 2022 elections.

29. Many of the Proposed Intervenorors are also here in their individual capacities, independent from their status as members of the Republican Party of Pennsylvania. They have invested substantial time, efforts, and resources to support and recruit Republican congressional candidates.

30. Some of the Proposed Intervenorors have been congressional candidates themselves and/or are aspiring to be congressional candidates in 2022.

31. Others are involved in recruiting, campaigning, mobilizing, and encouraging voters to support Republican congressional candidates, including participation in Republican fundraisers.

32. Proposed Intervenor The Republican Party of Pennsylvania is responsible for nominating candidates for office and then promoting and supporting those candidates in the general election.

33. Proposed Intervenor The Republican Party of Pennsylvania accomplishes this task through the allocation of substantial resources to the education of voters in a candidate's district, as well as allocating substantial resources to the mobilization of voters within a candidate's district.

III. BASIS FOR PROPOSED INTERVENORS' APPLICATION

34. Pursuant to Pennsylvania Rules of Appellate Procedure 106, 123, and 1531(b), the practice and procedures relating to original jurisdiction

matters are to be in accordance with the Pennsylvania Rules of Civil Procedure.

35. Pennsylvania Rule of Civil Procedure 2327 allows a person not named as a party to seek leave to intervene by filing an application with the court.

36. Proposed Intervenors seek to intervene pursuant to Pennsylvania Rule of Civil Procedure 2327(3) and (4), which states, in pertinent part, as follows:

At any time during the pendency of an action, a person not a party thereto shall be permitted to intervene therein, subject to these rules if . . .

(3) such person could have joined as an original party in the action or could have been joined therein; or,

(4) the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action.

Pa.R.C.P. 2327(3) and (4).

37. Proposed Intervenors could have joined as original parties in the within action or could have been joined therein.

38. The Court's determination of this matter will affect the legally enforceable interests of the Proposed Intervenors.

39. A court must permit a person or entity to intervene in litigation when a ruling in the case “*may* affect any legally enforceable interest of such

person” or entity, regardless of whether the person or entity is bound by the judgment. Pa.R.C.P. 2327(4) (emphasis added).

40. Once a proposed intervenor satisfies this first step, then a court *may* deny intervention only if the proposed intervenor has unduly delayed in applying for intervention, the intervention will unduly delay or prejudice the trial, the interest of the proposed intervenor is already adequately represented, or the proposed intervenors’ claims or defenses are “not in subordination to and in recognition of the propriety of the action.” Pa. R.C.P. 2329.

41. “[T]he effect of Rule 2329 is that if the petitioner is a person within one of the classes described in Rule 2327, the allowance of intervention is mandatory, not discretionary, unless one of the grounds for refusal under Rule 2329 is present.” *Larock v. Sugarloaf Twp. Zoning Hearing Bd.*, 740 A.2d 308, 313 (Pa. Commw. Ct. 1999).

42. Where a proposed intervenor satisfies one of the requirements listed in Pa.R.C.P. 2327, refusal to permit intervention under Rule 2329 is not mandatory but only discretionary. *Id.* (“Thus, the court is given the discretion to allow or to refuse intervention only where the petitioner falls within one of the classes enumerated in Rule 2327 *and* only where one of

the grounds under Rule 2329 is present which authorizes the refusal of intervention.”).

43. The ability to protect any legally enforceable interest that *may* be affected by a judgment “should be accorded to anyone having an interest of his own which no other party on the record is interested in protecting.” *Keener v. Zoning Hearing Bd.*, 714 A.2d 1120, 1123 (Pa. Commw. Ct. 1998).

44. Courts in Pennsylvania have frequently granted intervention status to both The Republican Party of Pennsylvania and to Republican voters in challenges to Pennsylvania’s election laws. See, e.g., *League of Women Voters of Pennsylvania*, 178 A.3d at 741 n.5 (noting that the Commonwealth Court permitted intervention to Republican voters from each congressional district, “including announced or potential candidates for Congress and other active members of the Republican Party.”); *Pa. Democratic Party et al. v. Boockvar et al.*, No. 133 MM 2020 (Pa. Sept. 3, 2020) (granting intervention to The Republican Party of Pennsylvania).

45. To protect their interests, The Republican Party of Pennsylvania and individual voter members of the Republican Party of Pennsylvania (“Proposed Intervenors”) file this Application to intervene in the case to ensure their rights are protected.

46. As the U.S. Supreme Court has recognized, The Republican Party of Pennsylvania as a political party has an interest in maintaining and expanding its power within the state government. *Storer v. Brown*, 415 U.S. 724, 745 (1974). It is the party of choice for 3,000,000 Pennsylvanians who look to it for guidance and representation. The U.S. Supreme Court has also recognized that redistricting is fundamentally about the allocation of political power. See, e.g., *Rucho v. Common Cause*, 139 S. Ct. 2484, 2507 (2019).

47. Petitioners are Pennsylvania registered voters who “intend to advocate and vote for Democratic candidates in the upcoming 2022 primary and general elections.” Pet. ¶ 11.

48. Based on the 2019 American Community Survey (“ACS”) estimates, Petitioners allege that they “reside in districts that are *likely* overpopulated...”. *Id.* ¶¶ 12, 25-26 (emphasis added).

49. The reliable 2021 Census data that is used for redistricting—the P.L. 94-171 data—will be released on or around September 30, 2021. See *id.* ¶ 23.

50. Nevertheless, Petitioners want this Court to assume jurisdiction now. *Id.* ¶ 9.

51. Based solely on the 2019 ACS estimates, Petitioners allege that the “existing congressional district configuration is unconstitutionally

malapportioned[]” and, due to a decrease in population, the Census Bureau has allocated Pennsylvania one fewer congressional seat in the next Congress, thereby decreasing Pennsylvania’s number of congressional seats from 18 to 17. *Id.* ¶ 27.

52. Accordingly, Petitioners allege that if elections are held under the current congressional district map, the strength of Petitioners’ votes will be diluted. *Id.* ¶ 28.

53. Petitioners fear that because there is divided government in Harrisburg, the political branches of Pennsylvania’s government will likely be unable to enact a redistricted map by February 15, 2022, the earliest date that candidates could begin circulating nominating petitions. *Id.* ¶ 30.

54. Petitioners allege that these facts violate the U.S. Constitution and federal law—Article I, § 2 requiring districts with equal population “as nearly as is practicable,”² and 2 U.S.C. § 2c requiring that States have the same number of districts as the number of congressional representatives the state is entitled to (Counts II and III)—and Pennsylvania’s Constitution.

55. Petitioners also allege that these circumstances violate Article I, § 5 of Pennsylvania’s Constitution because of the current estimated congressional malapportionment (Count I), and Article 1, § 20 of

² *Karcher*, 462 U.S. at 730.

Pennsylvania's Constitution because, according to Petitioners, it is unlikely that the elected branches of Pennsylvania's government will timely enact a redistricting plan, thereby thwarting the associational rights of Pennsylvanians. (Count IV).

56. To redress these injuries, Petitioners request that this Court declare the current congressional map unlawful under federal and state law; enjoin the Secretary of State and the Director for the Bureau of Election Services and Notaries from giving any effect to the current congressional map;³ give the legislature and governor a deadline by which they must enact a congressional redistricting map (a deadline that does not appear in Pennsylvania's constitution), and, if that deadline passes without action, this Court should draw and enact its own congressional redistricting map. *Prayer for Relief a-d.*

57. If the Democratic Petitioners obtain the relief they seek and the congressional map is drawn either by the Supreme Court of Pennsylvania or under its supervision, The Republican Party of Pennsylvania's interest may be impacted.

³ Notwithstanding the fact that congressional special elections can and do happen. See Order, *League of Women Voters v. Pennsylvania*, No. 159 MM 2017 (Pa. Jan. 22, 2018) (striking down Pennsylvania's then-existing congressional district map but leaving the "unconstitutional" map in place for an impending March 2018 special election).

58. As the State Republican Party, Proposed Intervenor The Republican Party of Pennsylvania allocates substantial resources, both in terms of finances and personnel, to maintaining and increasing its political representation within the State.

59. If Democratic Petitioners obtain the relief they seek, Proposed Intervenor The Republican Party of Pennsylvania may have to divert resources from other programs to mobilize additional efforts to win elections.

60. Proposed Intervenor The Republican Party of Pennsylvania has an interest in advocating for its interests and the interests of its members in an arena that is bi-partisan.

61. Republicans control the General Assembly, and a Democrat controls the Governor's mansion.

62. Democratic Petitioners want to shift control to Pennsylvania's judicial branch, where the majority of the Supreme Court elected Justices are enrolled members of the Democratic Party.

63. If Petitioners are granted the relief they seek, the Petitioners will have succeeded in altering the "environment in which rival parties defend their concrete interests" such as "winning reelection." *Shays v. FEC*, 414 F.3d 76, 86 (D.C. Cir. 2005) (recognizing Article III standing when a change

in regulations “fundamentally alter[s] the environment in which rival parties defend their concrete interests (e.g., their interest in ... winning reelection)”).

64. If the Democratic Petitioners’ relief is granted, this may impact the associational rights of The Republican Party of Pennsylvania. Redistricting legislation involves the same deliberation and negotiation as any other legislation.

65. Proposed Intervenor The Republican Party of Pennsylvania is able to communicate its interests and desires to its members in the General Assembly in the hopes of having some impact on the final legislative product.

66. If the Democratic Petitioners obtain the relief they seek, and the map is drawn by the Supreme Court of Pennsylvania, Proposed Intervenor The Republican Party of Pennsylvania will not be able to communicate its interests to its members who are elected officials and who have the constitutionally vested responsibility to draw maps. See U.S. Const. art. I, sec. 4.

67. Proposed Intervenor have an interest in their elected representatives in the legislature drafting and crafting redistricting legislation without the threat of this Court intervening to draw maps before it is even determined whether a case or controversy exists. See, e.g., *Connor v. Finch*, 431 U.S. 407, 415 (1977) (describing courts drafting and enacting

redistricting legislation as an “unwelcome obligation of performing in the legislature’s stead”); *League of Women Voters of Pa. v. Commonwealth*, 178 A.3d 737, 823 (Pa. 2018) (citing *Connor* favorably and stating that the state judiciary’s authority to act in the redistricting realm is the same as that of federal courts).

68. The individual Proposed Intervenors will also be harmed if Petitioners obtain the relief they seek. Given that at its most basic, “the right to vote and the right to have one’s vote counted” is the subject matter of Petitioners’ challenge, *Erfer v. Commonwealth*, 794 A.2d 325, 330 (Pa. 2002), the Individual Proposed Intervenors have as much right to be in this case as Democratic Petitioners.

69. Each individual Proposed Intervenor is more than a voter. Many are either past or potential future congressional candidates, county Republican chairs, members of the State Party committee, and/or consistent campaign volunteers.

70. These proposed Intervenors are intertwined with and support The Republican Party of Pennsylvania.

71. Potential Republican candidates have an interest in the contours of their respective congressional districts.

72. As redistricting maps are crafted and drafted, these potential candidates and the party officials who support them cannot ascertain whether they will be able to run viable campaigns.

73. It is also potential congressional candidates, incumbents, and the party officials who support them who best understand the current composition of their districts.

74. Transferring the responsibility for redistricting from the legislature to the Supreme Court of Pennsylvania takes redistricting control away from local officials with local knowledge of the current demographic composition of the district. This impacts Republican candidates' interests.

75. County Republican leaders and State Committee leaders must ascertain whether they will be able to assist Republicans in their areas with mobilization efforts that are relatively similar to those of previous years or whether a substantial diversion of resources—both financial and personnel—is necessary to make the districts competitive.

76. Any change to how the redistricting maps are crafted and drafted will necessarily alter the competitive landscape, thereby causing harm to Proposed Intervenor's interests.

77. The goal of a political party is to “gain control of the machinery of state government by electing its candidates to public office.” *Storer*, 415 U.S.

at 745. “Political victory accedes power to the winning party, enabling it to better direct the machinery of government toward the party’s interests.” *Tex. Democratic Party v. Benkiser*, 459 F.3d 582, 587 (5th Cir. 2006).

78. The U.S. Supreme Court has also recognized that redistricting is fundamentally about the allocation of political power. See, e.g., *Rucho*, 139 S. Ct. at 2507-08; *Gaffney v. Cummings*, 412 U.S. 735, 753-54 (1973) (stating that redistricting involves legislators seeking to achieve the political ends of the State and its voters through, among other things, recognizing the strength of political parties and thereby allocating political power on the basis of that strength).

79. The Supreme Court of Pennsylvania has also recognized that a political party is injured in redistricting cases when the enacted map causes one political party to be so disadvantaged that it lacks political power. See *Erfer*, 794 A.2d at 332; *League of Women Voters of Pa.*, 178 A.3d at 814 (stating that in partisan gerrymandering claims, a voter who supports the political party not in power has their vote diluted while the party in power has a lasting electoral advantage).

80. The Petitioners seek to short-circuit an inherently political process vested in the political branches of government and transfer that political authority to this Court.

81. If the Democratic Petitioners obtain the relief, they seek and the congressional map is drawn either under the supervision of the Supreme Court of Pennsylvania or by the court itself, The Republican Party of Pennsylvania's interests may be impacted.

82. As the State Republican Party, Proposed Intervenor The Republican Party of Pennsylvania allocates substantial resources—both financial resources and manpower—to maintaining and increasing its influence in the State.

83. If Democratic Petitioners obtain the relief they seek, Proposed Intervenor The Republican Party of Pennsylvania may have to divert resources from other programs to mobilize additional efforts to win elections. *See, e.g., Applewhite v. Commonwealth*, 2014 Pa. Commw. Unpublished LEXIS 756, at *21-23 (Pa. Commw. Ct. 2014) (finding that organizational petitioners had standing to challenge Pennsylvania's voter ID law due to the diversion of organizational resources that was necessary to educate voters about the new requirements).

84. Granting authority to this Court to draw districts before any finding of liability would fundamentally alter the constitutional structure whereby a political party ensures that the interests of its members—elected officials and voters—are protected and the party is in a position to win

elections. *Shays*, 414 F.3d at 86 (recognizing Article III standing when a change in regulations “fundamentally alter[s] the environment in which rival parties defend their concrete interests (e.g., their interest in ... winning reelection)”).

85. This is achieved through the political branches of government: Namely, the investigatory and deliberative powers of the legislature and the governor.

86. Transferring responsibility for the act of redistricting from Pennsylvania’s political branches to the judicial branch alters the competitive landscape.

87. It also moves redistricting from an arena where Republicans share power to an arena that is ultimately controlled by Democrats. This alters the competitive landscape and the necessarily bipartisan nature of the redistricting process.

88. Granting Democratic Petitioners their requested relief shifts the ultimate responsibility for redistricting from the constitutionally mandated Pennsylvania Legislature to the Supreme Court of Pennsylvania.

89. This violates Proposed Intervenor The Republican Party of Pennsylvania’s associational interest.

90. Proposed Intervenor The Republican Party of Pennsylvania can communicate with the elected officials who are part of the Party's membership to express concerns about voter mobilization in certain areas of the Commonwealth as well as the deployment of organizational resources.

91. If the crafting and drafting of redistricting legislation is ultimately placed in the Supreme Court of Pennsylvania's hands, however, Proposed Intervenor's associational interest will be diminished.

92. Petitioners request that this Court assume jurisdiction now—before any map is even offered for consideration, much less enacted. Further, Democratic Petitioners request that this Court assume jurisdiction now before any violation has been committed; they merely predict that a violation will occur. Pet. ¶ 9; Prayer for Relief c-d.

93. Proposed Intervenor The Republican Party of Pennsylvania has reason to believe that its competitive interests may be diminished if the Supreme Court of Pennsylvania controls redistricting because the Court's composition is majority Democratic.

94. In 2018, when the Supreme Court of Pennsylvania drew a congressional redistricting map, the Court produced a map that some saw as a favorable Democrat gerrymander. See *Turzai v. Brandt*, No. 17-1700 at 39 (U.S. Pet. for Cert. June 21, 2018) (“Faced with remedying what it

perceived to be a Republican Party-friendly ‘gerrymander,’ the Pennsylvania Supreme Court, with a Democratic Party majority, drew a Democratic Party-friendly gerrymander.”).

95. Proposed Intervenor The Republican Party of Pennsylvania is therefore understandably concerned that Petitioners want to remove control of redistricting from the bi-partisan deliberation between a Republican legislature and a Democratic Governor and transfer it to the Supreme Court of Pennsylvania.

96. Proposed Intervenor The Republican Party of Pennsylvania also risks having to spend additional funds in the event that the legislature passes a redistricting map that is subsequently invalidated by this Court.

97. Otherwise, Proposed Intervenor The Republican Party of Pennsylvania will begin educating voters and candidates about their new legislatively enacted districts ahead of the elections only to then have to reverse course and re-educate voters about the new map ordered by this Court.

98. There is also a distinct risk of confusion to members of The Republican Party of Pennsylvania as any map drawn by the Supreme Court of Pennsylvania is likely to be challenged.

99. The individual Proposed Intervenors also have interests in this case that may be affected by a ruling of this Court.

100. At the outset, the individual Petitioners are registered Pennsylvania voters who intend to advocate and vote for Democratic candidates in the 2022 congressional primary and general elections. Pet. ¶ 11.

101. If this Court finds that Petitioners have standing, then the individual Proposed Intervenors must also have standing in this matter. Individual Proposed Intervenors are also registered Pennsylvania voters who intend to advocate and vote for Republican candidates in the 2022 congressional primary and general elections. Given that at its most basic, “the right to vote and the right to have one’s vote counted” is the subject matter of Petitioners’ challenge, *Erfer*, 794 A.2d at 330, this Court should permit the Individual Republican Voters to intervene in this case since a ruling from this Court will likely affect Intervenors’ right to vote. See *League of Women Voters of Pennsylvania*, 178 A.3d at 741 n.5 (noting that the Commonwealth Court permitted intervention to Republican voters from each congressional district, “including announced or potential candidates for Congress and other active members of the Republican Party.”).

102. Given that this lawsuit involves reapportionment and the right to vote is at stake, these individual Proposed Intervenors have an interest in this litigation.

103. If control over redistricting is ultimately placed in the hands of the Supreme Court of Pennsylvania, a map will be drawn that could harm the interests of Individual Republican Voters. See *Turzai*, No. 17-1700 at 39 (U.S. Pet. For Cert. June 21, 2018).

104. Additionally, individual Proposed Intervenors have an interest in the contours of their congressional districts.

105. As a redistricting plan is crafted and drafted, these potential candidates can ascertain whether they will be able to run viable campaigns. It is also potential congressional candidates and incumbents, along with the party officials who support them, who best understand the current composition of their congressional districts.

106. Removing the responsibility for redistricting from the legislature to the Supreme Court of Pennsylvania takes redistricting control away from local officials with local knowledge of the current demographic composition of the districts.

107. This impacts Republican candidates' interests in ascertaining whether they can run a viable campaign, what resources must be amassed

to successfully campaign, and ultimately deciding whether to campaign for Congress at all.

108. Finally, County Republican leaders and State Committee leaders must ascertain whether they will be able to assist Republicans in their areas with mobilization efforts that are relatively similar to those of previous years or whether a substantial diversion of additional resources—both financial and personnel—will be necessary to make the districts competitive. *Applewhite*, 2014 Pa. Commw. Unpublished LEXIS 756, at *21-23.

109. County Republican officials are actively involved in identifying and recruiting potential candidates who would best represent the constituents of a given congressional district.

110. Additionally, County Republican leaders mobilize efforts to assist incumbents in winning their districts and spend resources encouraging voters in the county to support Republicans.

111. Any change to how the redistricting plans are crafted and drafted will necessarily alter the competitive landscape, thereby causing harm to Proposed Intervenor's interests.

112. Respondents do not adequately represent the interests of the Proposed Intervenor.

113. The Secretary of State is required to receive the primary and general election returns from the county boards of elections and to issue certificates of election to the successful candidates. 25 P.S. § 2621(f).

114. Additionally, the Secretary of State is required to establish the form of nomination petitions and papers. *Id.* § 2621(a).

115. The Secretary of State's job, therefore, is to act as an administrator of elections.

116. By contrast, Proposed Intervenor The Republican Party of Pennsylvania is established to *win* elections. *Storer*, 415 U.S. at 745; *Tex. Democratic Party*, 459 F.3d at 587.

117. The Secretary of State and the Republican Party of Pennsylvania do not share the same interests.

118. Similarly, the individual Proposed Intervenor do not share the same interests with the Secretary. They advocate and vote for Republican candidates. They also identify and encourage candidates to run for public office.

119. The Secretary does not advocate for *any* candidates. The Secretary merely administers the election laws.

120. The Director for the Bureau of Election Services and Notaries similarly does not advocate on behalf of any candidate or party. Instead, the

Bureau “is responsible for planning, developing, and coordinating the statewide implementation of the Election Code...”⁴ Ms. Mathis likewise is an administrator and not an advocate.

121. It is also unlikely that two government Respondents would adequately represent the interests of a political party and members of that party. See, e.g., *Crossroads Grassroots Policy Strategies v. FEC*, 788 F.3d 312, 321 (D.C. Cir. 2015) (“[W]e look skeptically on government entities serving as adequate advocates for private parties.”).

122. The interests between Respondents and Proposed Intervenors are divergent and therefore not adequately represented. *Allegheny Reproductive Health Ctr.*, 225 A.3d at 913; *Larock*, 740 A.2d at 313-14.

123. If the requirements for the identity of the intervenor are met, intervention shall be granted unless the petition to intervene is unduly delayed. Pa.R.C.P. 2329; *Appeal of the Mun. of Penn Hills*, 546 A.2d 50, 52 (Pa. 1988).

124. The Proposed Intervenors have filed a motion to intervene promptly. Petitioners filed their lawsuit on April 26, 2021. Approximately five

⁴ See <https://www.dos.pa.gov/about-us/Pages/Director-Bureau-of-Elections-and-Notaries.aspx> (Last visited May 18, 2021).

weeks later and before an Answer is filed, Proposed Intervenor have filed this Application to Intervene.

125. On information and belief, the named Respondents do not take the same position as the Proposed Intervenor.

126. Proposed Intervenor seek to intervene as Respondents. They will assert defenses to Petitioners' claims but will not raise claims against the named Respondents that the Petitioners have not raised.

127. If allowed to intervene, Proposed Intervenor intend to file the attached Preliminary Objections, objecting to the petitioners' standing and to the jurisdiction of the Commonwealth Court in this case.

128. If allowed to intervene, Proposed Intervenor intend to file the attached Application for Extraordinary Relief.

WHEREFORE, Proposed Intervenor respectfully request that this Honorable Court enter an Order granting Proposed Intervenor's Application to Intervene in the within case along with any other relief the Court deems appropriate or necessary.

DATED: June 1, 2021

Respectfully Submitted,

By: /s/ Thomas W. King, III
Thomas W. King III
PA. ID No. 21580
tking@dmkcg.com

Thomas E. Breth
PA. ID No. 66350
tbreth@dmkcg.com
Jordan P. Shuber
PA ID No. 317823
jshuber@dmkcg.com

**Dillon, McCandless, King,
Coulter & Graham LLP**
128 West Cunningham Street,
Butler, Pennsylvania 16001,
724-283-2200

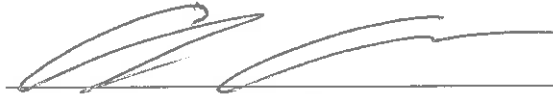
Jason B. Torchinsky
(Va. ID No. 47481) ** *pro hac vice
application forthcoming*
Jonathan P. Lienhard
(Va. ID No. 41648) ** *pro hac vice
application forthcoming*
Shawn T. Sheehy
(Va. ID No. 82630) ** *pro hac vice
application forthcoming*

**Holtzman Vogel Baran
Torchinsky Josefiak PLLC**
15405 John Marshall Hwy
Haymarket, VA 20169
[\(540\) 341-8808](tel:5403418808) (P)
[\(540\) 341-8809](tel:5403418809) (F)

Attorneys for Proposed Intervenors

VERIFICATION

I, **ANGELA ALLEMAN**, Executive Director of the Republican Party of Pennsylvania, Inc. verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'Angela Alleman', written over a horizontal line.


Angela Alleman

Date: May 27, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **PATRICIA K. POPRIK**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Patricia K. Poprik

Date: _____, 2021.

—
RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **BILLY LANZILOTTI**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

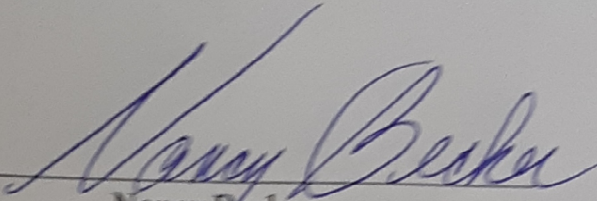

Billy Lanzilotti

Date: 5-31, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **NANCY BECKER**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.




Nancy Becker

Date: 5/28, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **MICHAEL D. STRAW**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


Michael D. Straw

Date: May 26, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

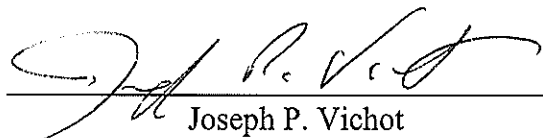
I, **JAMES DEPP**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


James Depp

Date: May 28, 2021.

VERIFICATION

I, **JOSEPH P. VICHOT**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



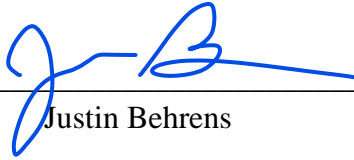
Joseph P. Vichot

Date: May 27th, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **JUSTIN BEHRENS**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Justin Behrens

Date: MAY 31, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **TOM WHITEHEAD**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Tom Whitehead

Date: May 29, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **KIRK RADANOVIC**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'Kirk Radanovic', written in a cursive style.

Kirk Radanovic

Date: **5/26**, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **KRISTINE ENG**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



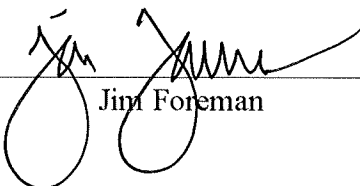
Kristine Eng

Date: 5/27, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **JIM FOREMAN**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Jim Foreman

Date: May 27, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **DAVE BALL**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

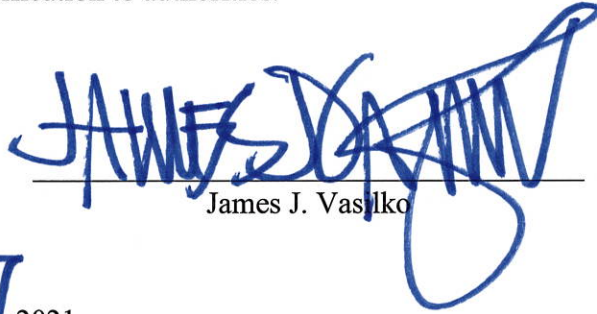
Dave Ball
Dave Ball

Date: 27 May, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **JAMES J. VASILKO**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.




James J. Vasilko

Date: MAY 27, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **CYNTHIA KIRK**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



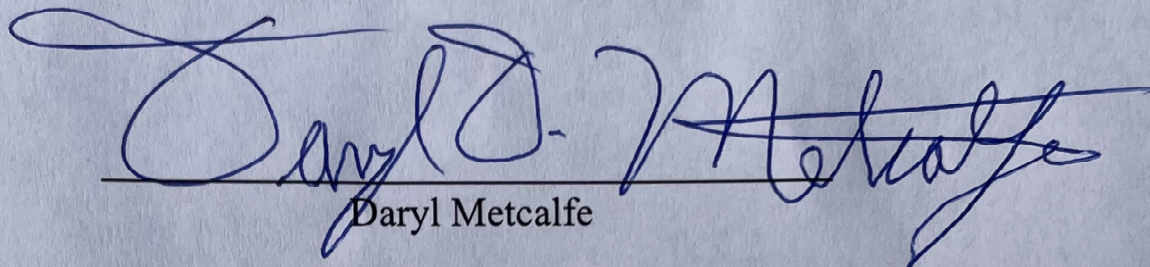
Cynthia Kirk

Date: May 31, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **DARYL METCALFE**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

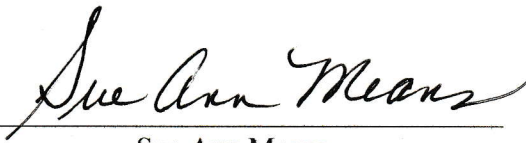

Daryl Metcalfe

Date: May 27, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **SUE ANN MEANS**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

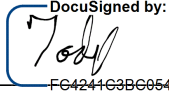

Sue Ann Means

Date: May 27, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **REV. TODD JOHNSON**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

DocuSigned by:

FC4241G3BG054G2...

Rev. Todd Johnson

Date: 5/27/2021, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **MICHAEL HARVEY**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


Michael Harvey

Date: 26 May, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

VERIFICATION

I, **LOUISA GAUGHEN**, verify that the facts set forth in the foregoing Application for Intervention are true and correct, to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


Louisa Gaughen

Date: May 28, 2021.

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Thomas W. King, III
Thomas W. King, III

RETRIEVED FROM DEMOCRACYDOCKET.COM

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CAROL ANN CARTER, MONICA
PARRILLA, REBECCA
POYOUROW, WILLIAM TUNG,
ROSEANN MILAZZO, BURT
SIEGEL, SUSAN CASSANELLI,
LEE CASSANELLI, LYNN
WACHMAN, MICHAEL
GUTTMAN, MAYA FONKEU,
BRADY HILL, MARY ELLEN
BALCHUNIS, TOM DEWALL,
STEPHANIE MCNULTY, and
JANET TEMIN,

Petitioners,

v.

VERONICA DEGRAFFENREID, in
her official capacity as the Acting
Secretary of the Commonwealth of
Pennsylvania; and JESSICA
MATHIS, in her official capacity as
Director of the Bureau of Election
Services and Notaries,

Respondents,

v.

REPUBLICAN PARTY OF
PENNSYLVANIA, INC.; PATRICIA
K. POPRIK; DAVID TORRES;
BILLY LANZILOTTI; NANCY
BECKER; MICHAEL D. STRAW;
JAMES DEPP; JOSEPH P.
VICHOT; JUSTIN BEHRENS;
THOMAS WHITEHEAD; LEE
BECKER; LOUIS CAPOZZI; KIRK

No.: 132 MD 2021

PROPOSED ORDER

RETRIEVED FROM DEMOCRACYDOCKET.COM

RADANOVIC; PAUL NYMAN; :
JAMES MAGUIRE, JR.; KRISTINE :
L. ENG; DONNA COSMELLO; :
JAMES FOREMAN; DAVID BALL; :
JAMES VASILKO; LYNNE RYAN; :
CYNTHIA KIRK; DARYL :
METCALFE; LUKE NEGRON; :
SUE ANN MEANS; REV. TODD :
JOHNSON; MICHAEL HARVEY; :
and LOUISA GAUGHEN, :
Proposed Intervenors. :

PROPOSED ORDER

AND NOW, this ____ day of _____ 2021, upon consideration of the Proposed Intervenors Application for Leave to Intervene, and any opposition thereto, it is hereby ORDERED that the Proposed Intervenors' Application is GRANTED and intervenors shall file the Proposed Preliminary Objections attached to their Application for Leave to Intervene forthwith.

_____. J.