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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CAROL ANN CARTER; MONICA PARRILLA;
REBECCA POYOUROW; WILLIAM TUNG; ROSEANNE
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;
JESSICA MATHIS, in her official capacity as Director for
the Pennsylvania Bureau of Election Services and Notaries,

Respondents.

No. 132 MD 2021

**PETITIONERS' ANSWER TO LEGISLATIVE INTERVENORS'
PRELIMINARY OBJECTIONS**

By and through undersigned counsel, Petitioners file this Answer to the Preliminary Objections filed by Legislative Intervenors.

RELEVANT BACKGROUND

1. Petitioners state that their Petition speaks for itself. To the extent the allegations in Paragraph 1 are inconsistent with the Petition, Petitioners deny the allegations.

2. Petitioners admit that the apportionment data released on April 26, 2021 provided a statewide population count and that the P.L. 94-171 redistricting data were made available in August 2021. Petitioners otherwise state that their Petition speaks for itself. To the extent the allegations in Paragraph 2 are inconsistent with the Petition, Petitioners deny the allegations.

3. Petitioners state that their Petition speaks for itself. To the extent the allegations in Paragraph 3 are inconsistent with the Petition, Petitioners deny the allegations.

4. Petitioners state that their Petition speaks for itself. To the extent the allegations in Paragraph 4 are inconsistent with the Petition, Petitioners deny the allegations.

5. Paragraph 5 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and Intervenors misstate the law, Petitioners deny the allegations.

6. Petitioners state that their Petition speaks for itself. To the extent the allegations in Paragraph 6 are inconsistent with the Petition, Petitioners deny the allegations.

7. Petitioners state that their Petition speaks for itself. To the extent the allegations in Paragraph 7 are inconsistent with the Petition, Petitioners deny the allegations.

8. Petitioners state that their Petition speaks for itself. To the extent the allegations in Paragraph 8 are inconsistent with the Petition, Petitioners deny the allegations.

STANDING

9. Petitioners state that their Petition speaks for itself. To the extent the allegations in Paragraph 9 are inconsistent with the Petition, Petitioners deny the allegations.

10. Petitioners admit that the P.L. 94-171 data were released on August 12, 2021. Petitioners otherwise state that their Petition speaks for itself and that Paragraph 10 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations in Paragraph 10 are inconsistent with the Petition, Petitioners deny the allegations.

11. Petitioners state that their Petition speaks for itself and that Paragraph

11 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

12. Paragraph 12 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

13. Paragraph 13 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

RIPENESS

14. Petitioners state that their Petition speaks for itself. To the extent a response is required, Petitioners deny the allegations.

15. Petitioners state that their Petition speaks for itself. To the extent a response is required, Petitioners deny the allegations.

16. Paragraph 16 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

17. Paragraph 17 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

NON-JUSTICIABILITY

18. Paragraph 18 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and Intervenor misstates the law, Petitioners deny the allegations.

19. Paragraph 19 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and Intervenor misstates the law, Petitioners deny the allegations.

20. Paragraph 20 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

21. Petitioners admit that the General Assembly has not yet passed a congressional plan. Petitioners otherwise state that their Petition speaks for itself and that Paragraph 21 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

22. Paragraph 22 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

23. Petitioners state that their Petition speaks for itself. To the extent a response is required, Petitioners deny the allegations.

24. Paragraph 24 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

25. Paragraph 25 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

**FAILURE TO OTHERWISE STATE A CLAIM UPON WHICH RELIEF
MAY BE GRANTED**

26. Paragraph 26 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

27. Paragraph 27 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

28. Petitioners state that their Petition speaks for itself and that Paragraph 28 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and the allegations in Paragraph 11 are inconsistent with the Petition, Petitioners deny the allegations.

29. Petitioners state that their Petition speaks for itself and that Paragraph 29 otherwise contains mere characterizations, legal contentions, and conclusions to

which no response is required. To the extent a response is required, Petitioners deny the allegations.

30. Petitioners admit that the P.L. 94-171 data were released on August 12, 2021. Paragraph 30 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

31. Paragraph 31 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

32. Petitioners state that their Petition speaks for itself and that Paragraph 32 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

33. Paragraph 33 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

34. Petitioners state that their Petition speaks for itself and that Paragraph 34 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

35. Paragraph 35 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

36. Petitioners state that their Petition speaks for itself. To the extent the allegations in Paragraph 36 are inconsistent with the Petition, Petitioners deny the allegations.

37. Petitioners admit that the 117th Congress, under which Pennsylvania has 18 congressional seats, is in session. Petitioners also admit that the quoted language appears in the U.S. Census Bureau's April 26, 2021 press release. Paragraph 37 otherwise contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required and Intervenors misstate the law, Petitioners deny the allegations.

38. Paragraph 38 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

39. Paragraph 39 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

40. Paragraph 40 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required,

Petitioners deny the allegations.

41. Paragraph 41 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

42. Paragraph 42 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

43. Paragraph 43 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

44. Paragraph 44 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

45. Paragraph 45 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

46. Paragraph 46 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

47. Paragraph 47 contains mere characterizations, legal contentions, and

conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

48. Paragraph 48 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Petitioners deny the allegations.

CONCLUSION

Petitioners respectfully request that Intervenors' Preliminary Objections be overruled.

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Dated: September 30, 2021

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

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

Submitted by: Edward D. Rogers

Signature: /s/ *Edward D. Rogers*

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Carol Ann Carter; Monica Parrilla; : 132 MD 2021
Rebecca Poyourow; William Tung; :
Roseanne 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;
Jessica Mathis, in her official
capacity as Director for the
Pennsylvania Bureau of Election
Services and Notaries,
Respondents

PROOF OF SERVICE

I hereby certify that this 27th day of September, 2021, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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Possible Intervenor James Curtis Jarrett
Possible Intervenor James D. Bee
Possible Intervenor Jeffrey Wenk
Possible Intervenor Richard L. Lawson
Possible Intervenor Rico Timothy Elmore
Possible Intervenor Tegwyn Hughes
Possible Intervenor Valerie Biancaniello

/s/ Anthony Richard Holtzman

(Signature of Person Serving)

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