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IN THE SUPREME COURT OF PENNSYLVANIA

CAROL ANN CARTER *et al.*,

Petitioners,

v.

LEIGH M. CHAPMAN, 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. 7 MM 2022

PHILIP T. GRESSMAN *et al.*,

Petitioners,

v.

LEIGH M. CHAPMAN, 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.

**RESPONDENTS' APPLICATION FOR CLARIFICATION
OF THIS COURT'S FEBRUARY 9 ORDER**

On February 9, 2022, this Court entered the following *per curiam* order:

AND NOW, this 9th day of February, 2022, given that oral argument in this matter is currently scheduled for February 18, 2022, the General Primary Election calendar, *see, e.g.*, 25 P.S. §§ 2868 and 2873 (relating to the time of circulating and filing nomination petitions), is **TEMPORARILY SUSPENDED**, pending further Order of this Court.

("February 9 Order"). Respondents, Leigh M. Chapman, Acting Secretary of the Commonwealth of Pennsylvania, and Jessica Mathis, Director for the Pennsylvania Bureau of Election Services and Notaries, respectfully seek clarification of the February 9 Order.

The order suspends the "General Primary Election calendar" and specifically cites deadlines relating to the circulation and filing of nomination petitions, as

provided by 25 P.S. §§ 2868 and 2873. Respondents understand the Order to apply to all primary races. However, a question has arisen regarding whether the February 9 Order temporarily suspends *all* election calendar deadlines or *only* those deadlines dealing with the circulation and filing of nomination petitions, as well as the filing of any objections to such petitions.

The Election Code sets forth deadlines for a number of election-related tasks that do not depend upon the maps or that can—without any confusion or undue administrative burden—be easily performed again, if necessary, once final maps take effect, including, by way of example only, the following:

- February 15: The last day for each county board of elections to transmit to the Secretary of the Commonwealth a list of the organizations which qualify as political parties within the (a) county and (b) state, pursuant to section 801(b) of the Elections Code, 25 P.S. § 2861;
- February 15: The last day for the chairmen of county committees (and in Philadelphia the chairmen of the city committees) of each party to send to each county boards of elections a written notice setting forth all party offices to be filled in the county at the ensuing primary, 25 P.S. § 2864; and
- February 16: Not later than this day, the county boards of elections must prepare an election notice to be used by military-overseas voters in conjunction with the Federal Write-in Absentee Ballot (FWAB), 25 Pa.C.S. § 3514(a).

A number of county officials have asked the Department of State whether they should proceed to meet these deadlines or whether these deadlines have been suspended under the February 9 Order.

In addition, Respondents respectfully submit that it is not necessary, at this juncture, to suspend the date on which the primary elections themselves are currently scheduled to occur, *i.e.*, May 17, 2022.

Accordingly, Respondents respectfully ask the Court to clarify that the February 9 Order suspends only the deadlines relating to the circulation and filing of nomination petitions, as well as the filing of objections to such petitions. *See* 25 P.S. §§ 2868, 2873, 2937. Whether any additional deadlines should be suspended or modified can be addressed, if necessary, at an appropriate date in the near future.¹

In the event the Court is inclined to provide the requested clarification, Respondents submit a Proposed Order for the Court's consideration.

Respectfully submitted,

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

Dated: February 11, 2022

By: /s/ Robert A Wiygul
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¹ As the February 9 Order notes, this Court will hear oral argument in this matter on February 18, 2022.

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**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

CAROL ANN CARTER *et al.*,

Petitioners,

v.

LEIGH M. CHAPMAN, 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.

PHILIP T. GRESSMAN *et al.*,

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Respondents.

No. 7 MM 2022

[PROPOSED] ORDER

AND NOW, this ___ day of February, 2022, this Court's February 9, 2022 Order is clarified as follows:

The February 9 Order's temporary suspension applies to all Pennsylvania 2022 primary races and suspends only those deadlines relating to the circulation and filing of nomination petitions, as well as the filing of any objections to such petitions. *See* 25 P.S. §§ 2868, 2873, 2937.

CERTIFICATION REGARDING PUBLIC ACCESS POLICY

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.

Dated: February 11, 2022

/s/ Robert A. Wiygul
Robert A. Wiygul

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