

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

LEIGH M. CHAPMAN, Acting Secretary of the
Commonwealth and the PENNSYLVANIA
DEPARTMENT OF STATE,

Petitioners,

v.

BERKS COUNTY BOARD OF ELECTIONS, et. al.,

Respondents.

No. 355 MD 2022

SUPPLEMENTAL JOINT STIPULATION OF FACTS

Pursuant to this Court's August 4, 2022 Order, the parties submit the following supplemental joint stipulation of facts.

1. On June 15, 2022, the Butler County Board of Elections submitted certified results of the 2022 general primary elections that did not include any votes from timely received undated absentee and mail-in ballots.

2. On June 21, 2022, the Butler County Board of Elections sent a letter in response to an email that Jonathan Marks sent to all county boards of elections on June 17, 2022. Mr. Marks' email is in the record as Joint Exhibit 6. The Butler County Board of Elections' letter is attached to this stipulation as Joint Exhibit 15.

3. On July 19, 2022, the Acting Secretary of the Commonwealth certified races in the 2022 general primary election for all offices for which she has

certification responsibility, except statewide offices and those district-level offices that include all or parts of Berks, Fayette, and Lancaster Counties.

4. The Acting Secretary has certified races for district-level offices that represent all or part of Butler County, including:

- a. For U.S. House of Representatives District 16, Congressman Mike Kelly (R) and Dan Pastore (D).
- b. For Pennsylvania House District 8, Rep. Aaron Bernstine (R).
- c. For Pennsylvania House District 11, Rep. Marci Mustello (R).
- d. For Pennsylvania House District 12, Stephanie Scialabba (R) and Robert Vigue (D).
- e. For Pennsylvania House District 17, Rep. Timothy Bonner (R).

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dated: August 8, 2022

Respectfully submitted,

/s/ Jeffrey D. Bukowski

Jeffrey D. Bukowski, Esquire
Attorney I.D. No. 76102
SMITH BUKOWSKI, LLC
1050 Spring Street, Suite 1
Wyomissing, PA 19610
(610) 685-1600
JBukowski@SmithBukowski.com

*Attorneys for Respondents
Berks County Board of Elections and
Lancaster County Board of Elections*

**DILLON, McCANDLESS, KING,
COULTER & GRAHAM, L.L.P.**

By: */s/ Thomas W. King, III*

Thomas W. King, III
PA. I.D. No. 21580
tking@dmkcg.com
Thomas E. Breth
PA. I.D. No. 66350
tbreth@dmkcg.com
Jordan P. Shuber
PA. I.D. No. 317823
jshuber@dmkcg.com

*Counsel for Respondent, Fayette
County Board of Elections*

Josh Shapiro
Attorney General

Michael J. Fischer (Bar. No. 322311)
Chief Counsel and Executive Deputy
Attorney General

/s/ Jacob B. Boyer

Jacob B. Boyer (Bar No. 324396)
Deputy Attorney General

1600 Arch Street, Suite 300
Philadelphia, PA 19103
(267) 768-3968
jboyer@attorneygeneral.gov

Attorneys for Petitioners

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.

Dated: August 8, 2022

/s/ Jacob B. Boyer

RETRIEVED FROM DEMOCRACYDOCKET.COM

Joint Exhibit 15

RETRIEVED FROM DEMOCRACYDOCKET.COM

County of Butler

Board of Commissioners

124 W. Diamond Street, PO Box 1208, Butler, PA 16003-1208
Phone 724-284-5100 Fax 724-284-5400 TDD 724-284-5473

Commissioners

Leslie A. Osche, *Chairman*
Kimberly D. Geyer, *Vice Chairman*
Kevin E. Boozel, M.S., *Secretary*



Solicitor

H. William White, III

Director of Human Resources/Chief Clerk
Lori Altman

Budget & Human Services Finance Director
Ann M. Brown

June 21, 2022

VIA EMAIL

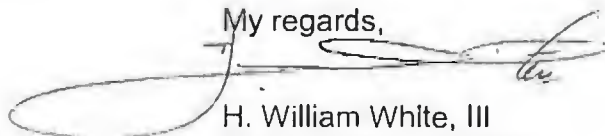
Jonathan Marks
jmarks@pa.gov

Re: DOS Email – Certification of Undated Ballot Vote Totals

Dear Deputy Secretary Marks:

As Solicitor for the County of Butler, I have been directed to respond to your email correspondence, dated June 17, 2022, which was directed to the Butler County Elections Bureau. After much deliberation and discussion, the County of Butler, its Board of Elections, and the Butler County Elections Bureau must respectfully decline. Butler County will not be canvassing ballots which are not compliant with the statutes of this Commonwealth. Butler County has completed the mandatory recount and has submitted its certified results to the Department of State. I do not anticipate any further canvassing, tabulating, certification, or submission on our part in regard to the General Primary Election of May 17, 2022.

My regards,



H. William White, III
Butler County Solicitor

HWW/bjr

cc: Leslie A. Osche, Chairman, Board of Commissioners (via email to losche@co.butler.pa.us)
Kimberly D. Geyer, Vice-Chairman, Board of Commissioners (via email to kgeyer@co.butler.pa.us)
Kevin E. Boozel, M.S., Secretary, Board of Commissioners (via email to kboozel@co.butler.pa.us)
Jessica Mathis (via email to jesmathis@pa.gov)
Kori House (via email to korhouse@pa.gov)