

**IN THE SUPREME COURT OF PENNSYLVANIA**

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**No. 102 MM 2022**

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David Ball, James D. Bee, Jesse D. Daniel, Gwendolyn Mae DeLuca, Ross M. Farber, Lynn Marie Kalcevic, Vallerie Siciliano-Biancaniello, S. Michael Streib, Republican National Committee, National Republican Congressional Committee, and Republican Party of Pennsylvania

Petitioners,

v.

Leigh M. Chapman, in her official capacity as Acting Secretary of the Commonwealth, and All 67 County Boards of Elections  
(See back of cover for list of County Respondents),

Respondents.

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**RESPONDENT CHESTER COUNTY BOARD OF ELECTIONS  
RESPONSE TO THE APPLICATION FOR THE EXERCISE OF KING'S  
BENCH POWER OR EXTRAORDINARY JURISDICTION**

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County of Chester  
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Adams County Board of Elections; Allegheny County Board of Elections; Armstrong County Board of Elections; Beaver County Board of Elections; Bedford County Board of Elections; Berks County Board of Elections; Blair County Board of Elections; Bradford County Board of Elections; Bucks County Board of Elections; Butler County Board of Elections; Cambria County Board of Elections; Cameron County Board of Elections; Carbon County Board of Elections; Centre County Board of Elections; Chester County Board of Elections; Clarion County Board of Elections; Clearfield County Board of Elections; Clinton County Board of Elections; Columbia County Board of Elections; Crawford County Board of Elections; Cumberland County Board of Elections; Dauphin County Board of Elections; Delaware County Board of Elections; Elk County Board of Elections; Erie County Board of Elections; Fayette County Board of Elections; Forest County Board of Elections; Franklin County Board of Elections; Fulton County Board of Elections; Greene County Board of Elections; Huntingdon County Board of Elections; Indiana County Board of Elections; Jefferson County Board of Elections; Juniata County Board of Elections; Lackawanna County Board of Elections; Lancaster County Board of Elections; Lawrence County Board of Elections; Lebanon County Board of Elections; Lehigh County Board of Elections; Luzerne County Board of Elections; Lycoming County Board of Elections; McKean County Board of Elections; Mercer County Board of Elections; Mifflin County Board of Elections; Monroe County Board of Elections; Montgomery County Board of Elections; Montour County Board of Elections; Northampton County Board of Elections; Northumberland County Board of Elections; Perry County Board of Elections; Philadelphia County Board of Elections; Pike County Board of Elections; Potter County Board of Elections; Schuylkill County Board of Elections; Snyder County Board of Elections; Somerset County Board of Elections; Sullivan County Board of Elections; Susquehanna County Board of Elections; Tioga County Board of Elections; Union County Board of Elections; Venango County Board of Elections; Warren County Board of Elections; Washington County Board of Elections; Wayne County Board of Elections; Westmoreland County Board of Elections; Wyoming County Board of Elections; and York County Board of Elections,

Respondents

Respondent Chester County Board of Elections (“Chester County”) is devoted to conducting free and equal elections and ensuring that Chester County citizens’ ballots are collected and canvassed consistent with Pennsylvania law, the Constitution of the Commonwealth of Pennsylvania, and the United States Constitution. In that respect, Chester County’s decision to count undated ballots was influenced by the Commonwealth Court’s analysis of this Court’s plurality opinion *In re Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election*, 241 A.3d 1058 (2020). See *Chapman v. Berks Cnty. Bd. of Elections*, 2022 WL 4100998, at \*22–24 (Pa. Commw. Ct. Aug. 19, 2022).

On October 17, 2022, at 2:10 PM, counsel for Respondent Chester County received an email from Petitioners’ counsel attaching their Application for the Exercise of King’s Bench Power or Extraordinary Jurisdiction (“Application”) and a document from the Office of the Prothonotary (“Prothonotary”) acknowledging receipt of the Application and an instruction that “Any responses are required to be filed by **10:00 a.m. on Wednesday, October 19, 2022.**” (emphasis in original). It was unclear to Chester County whether the Prothonotary’s instruction was merely directed to the jurisdictional issue—i.e., whether this Court should exercise its King’s Bench Power—or whether Chester County should address the jurisdictional

issue and the specific relief requested in the Application. For this reason, and due to the short time constraints, Chester County joins Respondent Leigh M. Chapman's (the Acting Secretary of the Commonwealth) forthcoming, well-reasoned response to the Application as to the issues and argument that relate to Chester County.

Dated: October 19, 2022

Respectfully,

/s/ Colleen Frens

Colleen Frens (Pa. No. 309604)

Faith Mattox-Baldini (Pa. No. 323868)

Nicholas J. Stevens (Pa. No. 322906)

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## CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the *Public Access Policy of the United 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: October 19, 2022

/s/ Colleen Frens  
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