

MONROE COUNTY REPUBLICAN
COMMITTEE, JOSEPHINE FERRO,
THOMAS C. WHITEHEAD, and PETER
BEGLEY,

Plaintiffs,

v.

MONROE COUNTY BOARD OF
ELECTIONS, JOHN D. CHRISTY, County
Commissioner of Monroe County,
Pennsylvania, SHARON S. LAVERDURE,
County Commissioner of Monroe County,
Pennsylvania,

Defendants.

COURT OF COMMON PLEAS
MONROE COUNTY

DOCKET NO.: 7228-CV-2022

PRAECIPE FOR EXPEDITED DISPOSITION

TO THE COURT ADMINISTRATOR:

Expedited Petition is requested for the following reasons:

Petitioners are requesting intervention on a matter currently under advisement.

Respectfully submitted,

ARM Lawyers

By: 

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Attorney ID No. 309732
Attorneys for Proposed Intervenors
Pennsylvania Democratic Party and
Monroe County Democratic Committee

FOR COURT ADMINISTRATOR ACTION ONLY:

____ MOTION OR PETITION ASSIGNED TO JUDGE _____

____ COUNSEL FOR MOVING PARTY NOTIFIED OF JUDICIAL ASSIGNMENT _____

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COURT OF COMMON PLEAS
MONROE COUNTY

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PETITION FOR INTERVENTION OF
THE PENNSYLVANIA DEMOCRATIC PARTY AND
THE MONROE COUNTY DEMOCRATIC COMMITTEE

Petitioners, the Pennsylvania Democratic Party (“PA Dems”) and the Monroe County Democratic Committee (“MCDC”) (collectively “Proposed Intervenors”), file this petition for leave to intervene on the side of defendants (the “Commissioners”) and aver as follows:

1. Proposed Intervenor, PA Dems is a “major political party” as defined in the Pennsylvania Election Code (25 P.S. § 2601) and is statutorily created. *See* 25 P.S. §§ 2834, *et seq.* For each general election, the PA Dems nominates individuals for Pennsylvania’s federal, state, and local offices.

2. Proposed Intervenor, MCDC’s membership and constituents include past and future individuals qualified to vote in Monroe County, as well as past and future candidates for offices in Monroe County and across the Commonwealth. MCDC is the Monroe County arm of the PA Dems and represents approximately 51,000 Monroe County Democrats.

3. On November 4, 2022, Plaintiffs filed an action for declaratory relief seeking to dictate to the Commissioners how to conduct otherwise discretionary election administration matters.

4. On November 4, 2022, Plaintiffs filed a Motion for Preliminary Injunction requesting that this Court enter similar injunctive relief.

5. The grant or denial of a Petition to Intervene is governed by the standards set forth in Pennsylvania Rules of Civil Procedure 2326-2350.

6. Rule 2327 denotes four categories of persons or entities that may intervene “[a]t any time during the pendency of an action,” including any person or entity that has “any legally enforceable interest” that may be affected by a judgment in the action. Pa. R.C.P. 2327(4).

7. By contrast, Rule 2329 provides certain grounds for refusal to permit the intervention of a person who fits within the parameters of Rule 2327, including that such person’s interests are “already adequately represented.” Pa. R.C.P. 2329(2). “Considering Rules 2327 and 2329 together, the 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 Board*, 740 A.2d 308, 313 (Pa. Cmwlth. Ct. 1999).

8. Even if a ground for refusal under Rule 2329 is present, the Court still possesses discretion to permit intervention. *Allegheny Reprod. Health Ctr. v. Pa. Dep’t of Human Servs.*, 225 A.3d 902, 908 (Pa. Commw. Ct. 1999) (citing *Larock*, 740 A.2d at 313).

9. PA Dems and MCDC meet the standard for mandatory intervention because they possess a “legally enforceable interest” that may be affected by a judgment in the action. Pa. R.C.P. 2327(4).

10. Specifically, Plaintiffs' requested relief would change the process for counting votes, including mail-in votes, in Monroe County.

11. Here, Proposed Intervenor has particularized interests in the counting of every legal vote, ensuring that their candidates prevail, that their members have the fullest opportunity to vote afforded them by law, and that confidence in vote-by-mail reflects the high quality of election administration occurring in Monroe County. Also, the Petitioners have standing to ensure that elections are conducted in conformity with the law and declaratory relief sought is based on imminent, real, and probable events, rather than manufactured mistruths.

12. PA Dems and MCDC have an interest in electing Democratic candidates and invest significant resources in such elections, including the upcoming November 8, 2022 election. *See* Declaration of Chareen Williams-Edwards, at ¶ 5, ¶¶ 20-24, attached hereto at Exhibit A.

13. PA Dems and MCDC communicate with voters concerning the timing of and how to participate in upcoming elections and encourage voters to participate in the election and to support Democratic nominees. *Id.* at ¶ 6.

14. PA Dems represents the interests of Democratic voters in Pennsylvania by supporting candidates who share these voters' values. There are approximately four million and twenty-four thousand registered Democrats throughout the Commonwealth. *Id.* at ¶ 7.

15. PA Dems also represents the interests of Democratic candidates by providing campaign resources, logistical support, and coordination with other candidates. *Id.* at ¶ 9.

16. MCDC represents the interests of Democratic voters in Monroe County by supporting candidates who share these voters' values. There are roughly fifty one thousand registered Democrats in Monroe County. *Id.* at ¶ 8.

17. PA Dems and MCDC share the goal of universal voter participation and take steps to facilitate safe, secure, and convenient voting so that any eligible voter may exercise their right to vote. *Id.* at ¶ 14.

18. PA Dems and MCDC have invested significant time and money encouraging its voters to utilize the vote-by-mail option. *Id.* at ¶ 20-24.

19. Additionally, neither PA Dems nor MCDC meets the elements that foreclose intervention, as set forth in Rule 2329. Pa. R.C.P. 2329.

20. Indeed, Proposed Intervenors' interests are not adequately represented by Defendants, who do not share Proposed Intervenors' interests in prevailing in Commonwealth elections and giving their members the fullest opportunity to vote.

21. Proposed Intervenors have not unduly delayed their application for intervention since this matter was filed approximately one business day ago, on November 4, 2022.

22. Petitioners will not unduly delay or burden the efficient hearing and resolution in this matter because Proposed Intervenors will abide by the existing schedule of the Court and will not seek any modifications thereto.

23. Accordingly, because PA Dems and MCDC meet the factors necessary for this Court to grant intervention under Rule 2327, and because none of the exceptions of Rule 2329 apply, this Court must grant PA Dems and MCDC's Petition for Intervention.

24. Proposed Intervenors' Opposition to Plaintiffs' Motion for Preliminary Injunction is attached at Exhibit B, to be filed once this Court grants intervention.

WHEREFORE, the Pennsylvania Democratic Party and Monroe County Democratic Committee respectfully request that this Court grant their Petition for Intervention and grant leave to file the Opposition to Plaintiffs' Motion for Preliminary Injunction (Exhibit B).

Respectfully submitted,

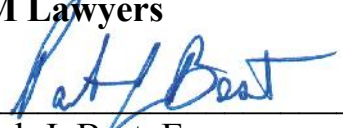
Dated: November 7, 2022

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Declaration of Chareen Williams-Edwards

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DECLARATION OF CHAREEN WILLIAMS-EDWARDS

I, Chareen Williams-Edwards, hereby declare and state upon personal knowledge as follows:

I. Professional Experience

1. I currently serve as the Vice Chair of the Monroe County Democratic Committee (“MCDC”). I have held this position since June of 2022.
2. Prior to serving in these roles, I served in various capacities working for the MCDC including a term as Recording Secretary from June 2018 through June 2022.
3. As Vice Chair of the MCDC, I work with PA Dems officers and other MCDC officers to oversee the political and legal operations of PA Dems and MCDC in Monroe County.

II. PA Dems and MCDC

4. The Democratic National Committee (“DNC”) is the national umbrella organization for state parties. PA Dems is the official state affiliate of DNC; what that means in practice is that nothing in our bylaws can contradict anything in the DNC bylaws (with the exception of primary endorsements in certain states). PA Dems oversees 67 subsidiary county committees, whose bylaws in turn cannot contradict anything in the PA Dems bylaws.
5. PA Dems and MCDC have an interest in electing Democratic candidates and invest significant resources in such elections, including the upcoming election.
6. Among other things, PA Dems and MCDC communicate with voters concerning the timing of and how to participate in upcoming elections; encourages them to participate in the election and to support Democratic nominees.
7. PA Dems represents the interests of Democratic voters in Pennsylvania by supporting candidates who share these voters’ values. There are roughly four million and twenty four thousand registered Democrats throughout the Commonwealth.

8. MCDC represents the interests of Democratic voters in Monroe County by supporting candidates who share these voters' values. There are roughly fifty one thousand registered Democrats in Monroe County.
9. The PA Dems also represents the interests of Democratic candidates by providing campaign resources, logistical support, and coordination with other candidates. The number of Democratic candidates varies by year and cycle.
10. In 2022, the PA Dems represent the interests of Democratic candidates for Governor and Lieutenant Governor, United States Senator, 17 Democratic congressional candidates; 25 Democratic State Senate candidates; and roughly 203 Democratic State House candidates.
11. In 2022, in Monroe County, MCDC represents the interests of Democratic candidates for Governor and Lieutenant Governor, United States Senator, two Democratic congressional candidates; one Democratic State Senate candidates; and three Democratic State House candidates.
12. In 2020, for example, the PA Dems represented the interests of Democratic nominees for President and Vice President; four Democratic candidates for statewide row offices; 18 Democratic congressional candidates; 25 Democratic State Senate candidates, and roughly 203 Democratic State House candidates.
13. In 2018, the PA Dems represented the interests of Democratic candidates for Governor and United States Senate; 18 Democratic congressional candidates; 25 Democratic candidates for State Senate; and roughly 203 Democratic State House candidates.

III. Increasing the Availability of Mail Voting Raises (And In Pennsylvania Has Raised) Voter Participation

14. The PA Dems and MCDC share the goal of universal voter participation. That means that we take steps to facilitate safe, secure, and convenient voting so that an any eligible voter may exercise their right to vote. In our experience, allowing any qualified voter to vote by mail increases participation.
15. It also requires confidence in the election and a firm stand against those who would use misinformation and confusion to sow chaos or confusion.
16. Using two recent state-run Democratic primaries as examples—one prior to no-excuses mail-in voting under Act 77, and one after Act 77 took effect—illustrates the point: In 2019, before Act 77 took effect, the Democratic

primary participation was approximately 835,000; in 2021, by contrast, in a primary with similar offices, the turnout was over 1.1 million, a 32% increase. I believe that Act 77 is one of the principal reasons for this increase in voter participation.

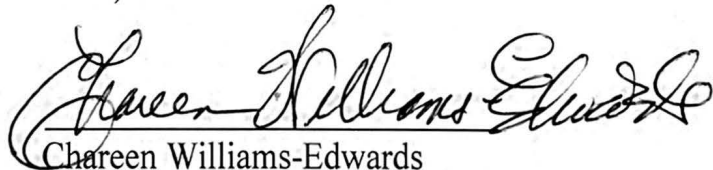
17. In the 2020 general election, roughly 2.6 million voters voted by mail. Of these voters, roughly 65% or 1.7 million were registered Democrats.
18. Based on the above, it is clear that Democrats utilize vote by mail at a higher rate than Republicans.

IV. Pa Dems and MCDC Encourage their Voters to Vote By Mail

19. Consistent with its goal to elect Democrats to public office, the PA Dems and MCDC shifted their strategy around voting by mail gradually after Act 77's passage, in response to changes on the ground and the law's interpretation in the courts.
20. In particular, as a result of Act 77, the PA Dems invested vastly more resources than before in a robust set of programs, including digital outreach, communications, field, and get-out-the-vote ("GOTV") that both encourage our voters to vote by mail and support their efforts to do so.
21. These programs consume an enormous amount of time, money, and effort. For example, our digital and communications teams educated voters on (1) the availability of mail voting for all qualified voters and (2) how to vote by mail in accordance with the requirements of the law. These efforts are conducted by mail and online.
22. Our field efforts have similarly shifted to conducting substantial voter contact around voting by mail in addition to MCDC's committeeperson neighbor-to-neighbor actions on the ground in each division.
23. Finally, our collective GOTV programs have fundamentally changed. Before Act 77, PA Dems ramped up to a coordinated program only in the four days preceding any election. Now, we work the entire *month* before the election, from when voters first receive their mail-in ballots to the receipt deadline for ballots. This vast expansion in the scope of the GOTV program has required wholesale revisions in the allocation of our resources.
24. In short, the PA Dems and MCDC have invested significant time and money encouraging its voters to utilize the vote by mail option.

25. If Pennsylvania courts were to issue orders that confuse voters who were considering voting by mail, that would negatively and disproportionately affect Democratic voters.
26. PA Dems and MCDC have interests in preserving the confidence and trust it has built with voters over the four full election cycles Act 77 has been in effect and increased mail-in voting has become available.
27. Specifically, there are many voters who did not vote until they realized the simplicity of voting by mail. Many voters took advantage of the safety of voting by mail during the pandemic. PA Dems and MCDC put significant resources into educating and convincing these voters that mail-in voting was safe, secure, and effective through digital advertising, social media, media interviews, and online events. These voters would be put at increased risk of disenfranchisement should minor and correctible errors with their ballots become disqualifying.
28. My experience with the PA Dems and MCDC makes me believe that confusing orders and resulting news coverage would do damage to civic participation. It would throw up an additional barrier to using a method of voting that has become very popular with voters.
29. PA Dems and the MCDC would also have to invest resources in overcoming heightened voter confusion if their voters could be disenfranchised over the immaterial omission of a voter-provided date.

I declare under that the foregoing is true and correct, subject to the penalties for false statements to authorities under 18 Pa. C.S. § 4904 and penalties of perjury, as of this 7th day of November, 2022.



Chareen Williams-Edwards

Memorandum of Law in Opposition to Preliminary Injunction

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DOCKET NO.: 7228-CV-2022

Memorandum of Law in Opposition to Preliminary Injunction
Submitted by the Monroe County Democratic Party
and Pennsylvania Democratic Party

Plaintiffs' Complaint, and the pending Petition for Preliminary Injunction relies entirely on a misreading of the decisions of the Pennsylvania Supreme Court and the Commonwealth Court in last month's case *Republican National Committee v. Chapman*. In *RNC I*, the Commonwealth Court determined that each county board of election may adopt (or not) procedures that notify qualified voters if there are technical defects with their mail-in or absentee ballots and allow the voters to fix the technical issues to protect their franchise. An evenly divided Pennsylvania Supreme Court affirmed the Commonwealth Court's holding in *RNC II*.

Putting aside the lack of likelihood of success on the merits, because the Board's policy is clearly legal under Pennsylvania Supreme Court precedent, this action is procedurally barred by lack of standing and collateral estoppel. But even if this Court gets beyond the procedural defects and success on the merits factor for an injunction, the five other factors necessary for an injunction weigh heavily against granting Plaintiffs' audacious request.

I. THE SUPREME COURT AND COMMONWEALTH COURT EXPRESSLY APPROVED NOTICE-AND-CURE PROCEDURES LAST MONTH

In *RNC*, the Republican National Committee asserted, initially at the Commonwealth Court, and again at the Pennsylvania Supreme Court, that counties had no authority under the Election Code to undertake or authorize notice and cure procedures. *Republican National Committee v. Chapman*, 100 MM 2022 (Oct. 21,

2022) (“*RNC II*”). Though the Republican Party’s argument in *RNC* started with a misreading of the 2020 decision in *Pennsylvania Democratic Party v. Boockvar*, it also included express advocacy on whether so-called notice-and-cure procedures are prohibited pre-canvassing. Those were expressly rejected by the Commonwealth Court, a decision affirmed by the Pennsylvania Supreme Court.

The argument advanced here by the Monroe County Republican Party to disenfranchise voters has been resoundingly rejected by the Commonwealth’s highest courts. Before the Supreme Court, the national and state parents of the Monroe County Republican Party argued that the notice-and-cure they sought to enjoin was impermissible pre-canvassing. See Brief of Republican National Committee, et al., 100 MAP 2022 (filed Oct. 5, 2022) at pp. 8-9, 22, 37-39, 47.

Their summary of argument began with the following:

Although “a rose by any other name would smell as sweet,” renaming pre-canvass activity as a “cure procedure” does not permit it to be conducted earlier than Election Day, nor does it allow any part of the product of that process to be disclosed to any person before the polls close, nor does it allow voters who have already cast a ballot to vote again provisionally. The cure procedures which the Respondent Boards and the Secretary of the Commonwealth are not authorized by the Election Code and foreclosed by precedents of this Court.

Those arguments did not convince the Pennsylvania Supreme Court, which affirmed Judge Ceisler’s more than 50-page opinion with a brief order as a result of an evenly divided court. *Republican National Committee v. Chapman*, 447 MD 2022 (Pa. Commw. Ct. Sep. 29, 2022) (“*RNC I*”).

As such, this Court we must look to the underlying opinion of the Commonwealth Court, which was affirmed by the Supreme Court. On the substantive merits of the matter, Judge Ceisler made two key findings (and a third one about a prior case which the Monroe County Republican Party is not recycling), both of which are correct.

First, after a comprehensive review of the evidence, Judge Ceisler held that notice-and-cure provisions are not new or novel, but are long-standing. *RNC v. Chapman*, 447 MD 2022, *Slip Op.* at 9 (Pa. Commw. Ct. Sep. 29, 2022). The Commonwealth Court held that a “review of relevant and recent case law indicates that notice and opportunity to cure procedures implemented by County Boards have generally been accepted in order to fulfill the longstanding and overriding policy in this Commonwealth to protect the elective franchise. The courts have held that any doubt about whether the Election Code authorizes County Boards to implement notice and cure procedures must be resolved in favor of preventing the inadvertent forfeiture of electors’ right to vote.” *Id.*

Building upon that framework, Judge Ceisler held that the Election Code provides boards of elections the authority and discretion to adopt, or not adopt, notice-and-cure processes under the Election Code. *Slip. Op.* at 9-10. As the Court wrote:

The Election Code does not specifically prohibit County Boards from implementing notice and cure procedures. Rather, County Boards enjoy

broad authority under Section 302(f) of the Election Code, 25 P.S. § 2642(f), to implement such procedures at their discretion to ensure that the electoral franchise is protected. While Section 302(f) of the Election Code requires that only procedures that comply with the law are permitted, Petitioners themselves do not allege any fraud is taking place with respect to such procedures.

II. THIS COURT MUST REFUSE A PRELIMINARY INJUNCTION

Against the backdrop of the unambiguous holding in *RNC I* and *RNC II* that county boards of elections *may but are not required to* authorize notice-and-cure procedures of technical defects with mail-in or absentee ballots cast by qualified voters before the close of the polls, it is clear the movants cannot satisfy any of the standards for a preliminary injunction.

A. Preliminary Injunction Standards

Courts have repeatedly explained, a preliminary injunction is ““a harsh and extraordinary remedy.”” *Dusman v. Board of Directors of the Chambersburg Area School District*, 123 A.3d 354, 361 (Pa. Commw. 2015) (quoting *Commission of Seventy v. Albert*, 381 A.2d 188, 190 (Pa. 1977)). And because a preliminary injunction is “extraordinary,” this Court has further explained, it “should be used with caution and only where the rights and equity of the petitioner are clear and free from doubt and the harm to be remedied is great and irreparable.” *Green v. Wolf*, 176 A.3d 362, 365 (Pa. Commw. 2017). More specifically, for a court to issue a preliminary injunction, “every one of the[six] prerequisites must be established.” *County of Allegheny v. Commonwealth*, 544 A.2d 1305, 1307 (Pa. 1988), *quoted in*

Summit Towne Center, Inc. v. Shoe Show of Rocky Mount, Inc., 828 A.2d 995, 1001 (2003). Those six prerequisites are:

- “that an injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages,”
- “that greater injury would result from refusing an injunction than from granting it, and, concomitantly, that issuance of an injunction will not substantially harm other interested parties in the proceedings,”
- “that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct,”
- “that its right to relief is clear, and that the wrong is manifest, or, in other words, ... that it is likely to prevail on the merits,”
- that the injunction “is reasonably suited to abate the offending activity,” and
- “that a preliminary injunction will not adversely affect the public interest.”

828 A.2d at 1001. Because all six requirements must be established, “if the petitioner fails to establish any one of the[se], there is no need to address the others.” *County of Allegheny*, 544 A.2d at 1307, *quoted in Summit Towne Center*, 828 A.2d at 1001.

B. Monroe Republicans Are Not Likely to Succeed on the Merits

This Court must deny Petitioners’ request for a special and preliminary injunction because Petitioners have not shown that they are “likely to prevail on the merits” because their “right to relief is clear.” *Summit Towne*, 573 Pa. at 647. The General Assembly has given county boards, like the Monroe County Board of

Elections (“the Board”), the authority to adopt (or not adopt) the very procedures Petitioners’ challenge.

The Board maintains jurisdiction “over the conduct of primaries and elections in [Monroe County] in accordance with the provisions of the Election Code.” *Hempfield School District v. Election Board of Lancaster County*, 133 Pa. Cmwlth. 85, 88, 574 A.2d 1190, 1191 (1990); *see also* 25 P.S. §2641(a). To aid in the exercise of that jurisdiction, the General Assembly has given boards the authority “[t]o make and issue such rules, regulations and instructions, not inconsistent with law, as they may deem necessary for the guidance of voting machine custodians, elections officers and electors.” 25 P.S. §2642(f). As the Commonwealth Court and Pennsylvania Supreme Court held in *RNC*, the expansive language in Section 2642(f) easily encompasses the Board’s decision to to implement notice-and-cure procedures to protect the franchise of otherwise qualified voters.

C. Other Injunction Factors

Putting the false and naked assertions of the Board’s illegal conduct aside, Petitioners cannot establish any of the other injunction factors. Applying these factors here leaves no doubt a preliminary injunction to alter the actions of the Board is inappropriate and unjustified, as the Board is acting squarely within its authority under the Election Code by implementing a notice-and-cure procedure.

To start, Petitioners have failed to establish any legitimate personal interest in requiring the Board to disenfranchise voters who are duly registered, properly applied to vote by mail, provided proof of identity, returned a ballot with some sort of ministerial or administrative deficiency, and are willing to take action to cure the ministerial or administrative deficiency with their mail-in or absentee ballot. If they can not show any legitimate interest, Petitioners cannot demonstrate that they will suffer “great and irreparable” harm without that remedy.

Second, the requested injunction would upset the status quo in the midst of an election, creating far more harm—in the form of election administration confusion and casting doubt on the validity of already corrected mail-in ballots—than it could possibly prevent.

Third, Petitioners cannot premise irreparable harm on the basis that the Board’s conduct violates the Election Code because the Election Code does not prohibit the Board’s alleged conduct here. The Court has been Petitioners have presented no evidence that the Board’s decision to exercise its express discretion violates the Election Code, or that Petitioners votes will somehow not be “honestly counted.” Indeed, in *RNC*, the Commonwealth Court held (and the Pennsylvania Supreme Court affirmed), the Election Code does not prohibit county boards of elections from implementing the notice-and-cure procedures the Board has chosen

to implement here. As such, Plaintiff's alleged irreparable harm cannot be premised a purported violation of the Election Code.

Fourth, Petitioners' requested injunction will harm the Board, voters, Proposed Intervenors, and the public interest. Petitioners' requested injunction is additionally improper because "greater injury would result from refusing an injunction than from granting it. *Summit Towne Center*, 573 Pa. at 646-647, 828 A.2d at 1001. Despite Petitioners' claims, there is no evidence that the Board's decision to align its practices with those of sister counties will somehow result in the infringement of anyone's rights, let alone the rights of these Petitioners.

On the other hand, the injunction is improper because "issuance ... will ... substantially harm other interested parties in the proceedings," *Summit Towne Center*, 573 Pa. at 646-647, 828 A.2d at 1001. To start, an injunction would risk disenfranchising otherwise qualified voters who timely cast their ballots due to mere technical defects (*i.e.*, failing to write the correct date on the outer envelope or forgetting to place their ballot in the inner secrecy envelope). Indeed, disenfranchising voters on this basis is counter to the goal of the Election Code to protect the franchise. The Board will be subject to disingenuous debate and criticism about those unknown number of mail-in and absentee ballots that have *already* been cured by qualified voters. The Board would also subject itself to claims arising from

an unequal treatment of mail voters and in-person voters who are able to receive help to cure problems before they leave the polling place.

Proposed Intervenor's candidates will be harmed because they historically receive a disproportionate percentage of the mail-in and absentee ballots. The more mail-in ballots from otherwise qualified voters that are voided due to minor technical defects, the fewer votes Proposed Intervenor's candidates will receive.

Finally, the status quo is maintained by denying Petitioners' request for injunctive relief. The "status quo" is the "status that existed between the parties just before the conflict between them arose." *Hatfield Township v. Lexon Insurance Company*, 15 A.3d 547, 555 (Pa. Commw. 2011). The status quo is the denial of an injunction and authorizing the Board's *continued* implementation of its notice-and-cure procedure.

In sum, each of the five equitable factors for injunctive relief tip decidedly against Petitioner's request for an injunction.

D. Individual Voters Lack Standing to Bring this Complaint and Petition

The Complaint should be dismissed as to each of the individual plaintiffs for lack of standing and, as such, those plaintiffs do not have standing to seek the injunction sought.¹

¹ Preliminary Objections to this end are being drafted, but will track substantially with the argument herein. If intervention is granted, the preliminary objections will be filed.

In Pennsylvania, the doctrine of standing “is a prudential, judicially created principle designed to winnow out litigants who have no direct interest in a judicial matter.” *In re Hickson*, 821 A.2d 1238, 1243 (Pa. 2003). “For standing to exist, the underlying controversy *must be real and concrete*, such that the party initiating the legal action has, in fact, been ‘aggrieved.’” *Commonwealth v. Donahue*, 98 A.3d 1223, 1229 (Pa. 2014) (quoting *Pittsburgh Palisades Park, LLC v. Commonwealth*, 888 A.2d 655, 659 (2005)).

“[T]he core concept [of standing] is that a person who is not adversely affected in any way by the matter he seeks to challenge is not ‘aggrieved’ thereby and has no standing to obtain a judicial resolution to his challenge.” *Wm. Penn Parking Garage v. City of Pittsburgh*, 346 A.2d 269, 280-81 (1975).

A person is aggrieved for purposes of establishing standing when he or she has a “substantial, direct and immediate interest” in the outcome of litigation. *Johnson v. American Standard*, 8 A.3d 318, 329 (Pa. 2010) (quoting *Fumo v. City of Philadelphia*, 972 A.2d 487, 496 (Pa. 2009)). “A party’s interest is substantial when it surpasses the interest of all citizens in procuring obedience to the law; it is direct when the asserted violation shares a causal connection with the alleged harm; finally, *a party’s interest is immediate when the causal connection with the alleged harm is neither remote nor speculative.*” *Commonwealth v. Donahue*, 98 A.3d 1223, 1229 (Pa. 2014) (emphasis added).

Nothing in the Complaint alleges how Plaintiffs as voters in Monroe County, or as officers of a political party (separate from such role with the Monroe Republican Party) are individually impacted by the Board's choice as to how to conduct the election within the construct of the Election Code. *See Hollingsworth v. Perry*, 570 U.S. 693, 705 (2013).

As the Pennsylvania Supreme Court has repeatedly held, and restated as recently this week, in election administration matters, individual voters do not have standing because they lack immediacy of injury. *See, e.g., Ball v. Chapman*, 102 MM 2022 (Pa. Nov. 1, 2022) (dismissing individual petitioners for lack of standing but sustaining standing of political party committees) (a copy of the order is attached).

Simply put, an individual voter (or group of voters) in Pennsylvania does not have standing to complain that some other person has additional administrative or procedural remedies to exercise their right to vote. *Id.* The non-Party plaintiffs, therefore, lack standing to bring this suit because it is nothing more than a generalized grievance that “not more directly and tangibly benefits [them] than it does” the citizens of Monroe County at large. *See Hollingsworth*, 570 U.S. at 705.

E. The Monroe County Republican Party is Barred by Collaterally Estoppel

In addition to the foregoing, as the Complaint admits, the Monroe County Republican Party is a county arm, and part of the same legal entity, of the Republican

Party of Pennsylvania and the Republican National Committee. *See* Complaint ¶ 2. Those entities litigated this very issue before the appellate courts and lost. *See RNC v. Chapman*, 100 MAP 2022 (Pa. Nov. 1, 2022)(a copy of the docket is attached hereto). Having participated in that action, the Republican Party of Pennsylvania and its subordinate committee are bound by that determination.

The Supreme Court of Pennsylvania has set forth the elements of the doctrine of collateral estoppel—which precludes re-litigation of an issue determined in a previous action—if all of the following are met:

(1) the issue decided in the prior case is identical to the one presented in the later action; (2) there was a final adjudication on the merits; (3) the party against whom the plea is asserted was a party or in privity with a party in the prior case; (4) the party or person privy to the party against whom the doctrine is asserted had a full and fair opportunity to litigate the issue in the prior proceeding; and (5) the determination in the prior proceeding was essential to the judgment.

Office of Disciplinary Counsel v. Kiesewetter, 889 A.2d 47, 50–51 (Pa. 2005), *citing* *Office of Disciplinary Counsel v. Duffield*, 644 A.2d 1186, 1189 (Pa. 1994).

The Petitioners here are collaterally estopped based on the arguments made and the decision rendered in *RNC v. Chapman*, 100 MAP 2022 (Pa. Nov. 1, 2022).

In *RNC*, the Petitioners argued that:

Boards cannot implement their own cure procedures because they constitute pre-canvass activities, and the Election Code expressly limits when such activities may take place.

Under the Election Code, “pre-canvass” includes “the inspection ... of all envelopes containing official absentee ballots or mail-in ballots.” 25

P.S. § 2602(q.1). The Election Code also expressly defines when the pre-canvass may begin: “The county board of elections shall meet no earlier than seven o’clock A.M. on election day to pre-canvass all ballots received prior to the meeting.” 25 P.S. § 3146.8(g)(1.1).

Cure procedures are “inconsistent with law” because they necessarily entail “inspection” of the absentee and mail-in ballot envelopes before the pre-canvass is permitted to begin. Because “inspection” is not defined in the Election Code, the Court must construe it according to its ordinary usage. . . .

. . . Cure inspections require “inspection” of absentee and mail-in ballots. To determine whether a voter complied with the signature and dating requirements of the Election Code, Boards must visually inspect the ballot envelopes. To determine whether voters included the secrecy envelope, some Boards have taken to weighing the ballot envelopes.

Regardless of how Boards go about “checking or testing” individual ballot envelopes against the established standards of the Election Code, they are unquestionably inspecting them. When Boards engage in these inspections prior to 7:00 a.m. on election day, they are pre-canvassing absentee and mail-in ballots before the Election Code allows them to do so.

Brief of Republican National Committee, National Republican Senatorial Committee, National Republican Congressional Committee, Republican Party of Pennsylvania, et al, 100 MAP 2022, at 37-38.

All of the elements of collateral estoppel are met here. First, the issues raised in this case are identical to the one raised by the Republican Party of Pennsylvania and Republican National Committee just weeks ago in *RNC v. Chapman*. The Complaint here, re-hashes exactly the arguments raised in *RNC* including that (1) no pre-canvassing may occur prior to 7 a.m. on Election Day, *see* Complaint, at ¶ 20;

and (2) the Board's handling and examination of "already-processed" ballots, as well as the Board's searching for privacy envelopes, signatures, and dates on those ballots prior to 7 a.m. on Election Day is a violation of the Election Code. *See* Complaint, at ¶¶ 24-28.

Second, Judge Ceisler issued a complete resolution of the injunction matter on the merits on September 29, 2022, which was affirmed by the Pennsylvania Supreme Court, finding that "[t]he Election Code does not specifically prohibit County Boards from implementing notice and cure procedures." *RNC v. Chapman*, 447 MD 2022, *Slip Op.* at 9 (Pa. Commw. Ct. Sep. 29, 2022), *affirmed* *RNC v. Chapman*, 100 MAP 2022 (Pa. Nov. 1, 2022).

Third, the Monroe County Republican Party is in privity with the Republican National Committee and the Republican Party of Pennsylvania because the Monroe County Republic Party is the county arm of the state and national party and part of the same legal entity. *See* Complaint, at ¶ 2.

Fourth, the Republican National Committee and Republican Party of Pennsylvania had a full and fair opportunity to litigate the issue in the prior proceeding where it initiated the litigation. Fifth, the determination in the prior proceeding was essential to the judgment insofar as the specific claims made by Petitioners were squarely rejected in *RNC*. *RNC v. Chapman*, 447 MD 2022, *Slip*

Op. at 9 (Pa. Commw. Ct. Sep. 29, 2022), *affirmed* *RNC v. Chapman*, 100 MAP 2022 (Pa. Nov. 1, 2022).

Moreover, collateral estoppel is designed to relieve parties of the cost and vexation of multiple lawsuits, conserve judicial resources, and prevent inconsistent decisions. The core tenants of collateral estoppel are achieved here. Just weeks ago, the Republican National Committee and Republican Party of Pennsylvania presented the same arguments as alleged in this case in *RNC*, that notice-and-cure procedures violates the Election Code. They lost and collateral estoppel bars re-litigating the same issue. *Shaffer v. Smith*, 673 A.2d 872, 875 (Pa. 1996).

III. CONCLUSION

Nothing in the Election Code requires that this Court disenfranchise voters who have requested mail ballots, timely returned them, and are willing to return to the Board to cure the ballot or attend the polls and vote provisionally. The Pennsylvania Supreme Court and the Commonwealth Court have both been clear that the Monroe County Board of Elections' decision to implement a notice-and-cure procedure is within the discretion of the Board under the Election Code. Because the Board's conduct is entirely legal, this Court should deny Petitioners' Petition for Preliminary Injunction, and when Proposed Intervenors' parallel preliminary objections are filed, this Court should dismiss the Complaint.

Additionally, no Plaintiff has standing to bring this action other than, arguably, the Monroe County Republican Party. And the Monroe County Republican Party is estopped from bringing this action. As such, no injunction should issue.

Respectfully Submitted,

Dated: November 7, 2022

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Order
Ball v. Chapman,
102 MM 2022
(Pa. Nov. 1, 2022)

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[J-85-2022]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

DAVID BALL, JAMES D. BEE, JESSE D. : No. 102 MM 2022
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, :

Respondents

PER CURIAM

DECIDED: November 1, 2022

AND NOW, this 1st day of November, 2022, upon review of the briefs of the parties and *amici*, the Petitioners' request for injunctive and declaratory relief is granted in part and denied in part. The Pennsylvania county boards of elections are hereby **ORDERED** to refrain from counting any absentee and mail-in ballots received for the November 8, 2022 general election that are contained in undated or incorrectly dated outer envelopes. See 25 P.S. §3146.6(a) and §3150.16(a).

The Court is evenly divided on the issue of whether failing to count such ballots violates 52 U.S.C. §10101(a)(2)(B).

We hereby **DIRECT** that the Pennsylvania county boards of elections segregate and preserve any ballots contained in undated or incorrectly dated outer envelopes.

The Republican National Committee, the National Republican Congressional Committee, and the Republican Party of Pennsylvania have standing. Petitioners David Ball, James D. Bee, Jesse D. Daniel, Gwendolyn Mae Deluca, Ross M. Farber, Lynn Marie Kalcevic, Vallerie Siciliano-Biancaniello, and S. Michael Streib are hereby **DISMISSED** from the case for lack of standing.

Opinions to follow.

Chief Justice Todd and Justices Donohue and Wecht would find a violation of federal law.

Justices Dougherty, Mundy and Brobson would find no violation of federal law.

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Docket
RNC v. Chapman,
100 MAP 2022
(Pa. Nov. 1, 2022)

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Supreme Court of Pennsylvania



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November 6, 2022

CAPTION

Republican National Committee; National Republican Senatorial Committee; National Republican Congressional Committee; Republican Party of Pennsylvania; David Ball; James D. Bee; Debra A. Biro; Jesse D. Daniel; Gwendolyn Mae Deluca; Ross M. Farber; Connor R. Gallagher; Lynn Marie Kalcevic; Linda S. Kozlovich; William P. Kozlovich; Vallerie Siciliano-Biancaniello; S. Michael Streib, Appellants

v.

Leigh M. Chapman, in her official capacity as Acting Secretary of the Commonwealth; Jessica Mathis, in her official capacity as Director of the Pennsylvania Bureau of Election Services and Notaries; 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; Wayne County Board of Elections; Westmoreland County Board of Elections; Wyoming County Board of Elections; and York County Board of Elections, Appellees

CASE INFORMATION

Initiating Document: Notice of Appeal

Case Status: Decided/Active

Journal Number: J-75-2022 October 7, 2022

Case Category: Election

Case Type(s): Election
Equity

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Supreme Court of Pennsylvania



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November 6, 2022

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Supreme Court of Pennsylvania



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Supreme Court of Pennsylvania



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Supreme Court of Pennsylvania



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Supreme Court of Pennsylvania



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IFP Status:

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IFP Status:

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Pro Se: No
IFP Status:

Representing: Indiana County Board of Elections, Appellee
Pro Se: No
IFP Status:

Representing: Jefferson County Board of Elections, Appellee
Pro Se: No
IFP Status:

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Pro Se: No
IFP Status:

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IFP Status:

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Pro Se: No
IFP Status:

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Supreme Court of Pennsylvania



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Supreme Court of Pennsylvania



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Docket Number: 100 MAP 2022

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November 6, 2022

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 Phone No: (412) 904-7721
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Washington County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Pro Se: Mercer County Board of Elections
 Address: 130 North Pitt Street
 Suite B
 Mercer, PA 16137
 Receive Mail: Yes
 Pro Se: Mercer County Board of Elections, Appellee
 Pro Se: Yes
 IFP Status:

Pro Se: Mifflin County Board of Elections
 Address: 20 North Wayne Street
 Lewistown, PA 17044
 Receive Mail: Yes
 Pro Se: Mifflin County Board of Elections, Appellee
 Pro Se: Yes
 IFP Status:

Pro Se: Montour County Board of Elections
 Address: 435 East Front Street
 Danville, PA 17821
 Receive Mail: Yes
 Pro Se: Montour County Board of Elections, Appellee
 Pro Se: Yes
 IFP Status:

Attorney: Mudd, Molly Ruth
 Address: Adams County Courthouse
 117 Baltimore St 2nd Fl
 Gettysburg, PA 17325-2367
 Phone No: (717) 337-5911
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Adams County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Newcomer, Melvin Eugene
 Kluxen, Newcomer & Dreisbach
 Address: 2221 Dutch Gold Dr
 Lancaster, PA 17601
 Phone No: (717) 393-7885
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Lancaster County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Parks, James Manly
 Duane Morris LLP
 Address: 30 South 17th Street
 Philadelphia, PA 19103-4196
 Phone No: (215) 979-1342
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Delaware County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Pro Se: Pike County Board of Elections
 Address: 506 Broad Street
 Pike County Administration Building
 Milford, PA 18337-1535
 Receive Mail: Yes
 Pro Se: Pike County Board of Elections, Appellee
 Pro Se: Yes
 IFP Status:

Attorney: Roseberry, Catharine Meade
 Lehigh County
 Address: Lehigh County Dept Of Law
 17 S 7TH St
 Allentown, PA 18101-2401
 Phone No: (610) 782-3180
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Lehigh County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Santee, Richard Eugene
 Shay, Santee, Kelhart & Deschler LLC
 Address: Shay Santee Kelhart & Deschler LLC
 44 E Broad St Ste 210
 Bethlehem, PA 18018-5920
 Phone No: (610) 691-7000
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Northampton County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney:	Schmidt, Nathaniel Justus	
	Warren County Solicitor's Office	
Address:	315 Second Ave	
	Ste 704	
	Warren, PA 16365	
Phone No:	(814) 723-8665	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Warren County Board of Elections, Appellee	
Pro Se:	No	
IFP Status:		

Pro Se:	Schuylkill County Board of Elections	
Address:	420 North Centre Street	
	Pottsville, PA 17901	
Receive Mail:	Yes	
Pro Se:	Schuylkill County Board of Elections, Appellee	
Pro Se:	Yes	
IFP Status:		

Attorney:	Shaffer, Thomas R.	
Address:	410 Ross St	
	Coudersport, PA 16915	
Phone No:	(814) 203-1678	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Potter County Board of Elections, Appellee	
Pro Se:	No	
IFP Status:		

Attorney:	Smith, Ryan Blake	
	City of Philadelphia	
Address:	1515 Arch St 15th Fl	
	Philadelphia, PA 19102	
Phone No:	(269) 873-8008	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Philadelphia County Board of Elections, Appellee	
Pro Se:	No	
IFP Status:		

Pro Se:	Sullivan County Board of Elections	
Address:	Sullivan County Courthouse	
	Main & Muncy Streets	
	Laporte, PA 18626-0157	
Receive Mail:	Yes	
Pro Se:	Sullivan County Board of Elections, Appellee	
Pro Se:	Yes	
IFP Status:		

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Talarico, Thomas S.
 Talarico & Associates
 Address: 230 W 6TH St Ste 202
 Erie, PA 16507-1077
 Phone No: (814) 459-4472
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Erie County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Pro Se: Wayne County Board of Elections
 Address: 925 Court Street
 Honesdale, PA 18431
 Receive Mail: Yes
 Pro Se: Wayne County Board of Elections, Appellee
 Pro Se: Yes
 IFP Status:

Attorney: White, H. William, III
 Butler County Solicitor's Office
 Address: Po Box 1208
 Butler, PA 16003-1208
 Phone No: (724) 284-5381
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Butler County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Pro Se: Wyoming County Board of Elections
 Address: 1 Courthouse Square
 Tunkhannock, PA 18657
 Receive Mail: Yes
 Pro Se: Wyoming County Board of Elections, Appellee
 Pro Se: Yes
 IFP Status:

Attorney: Zagurskie, Donald Kenneth
 Address: 117 Main Street
 PO Box O
 Mifflintown, PA 17059-0915
 Phone No: (717) 436-8044
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Juniata County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Atkins, Alexander F.
 Pro Hac Vice
 Elias Law Group, LLP
 Address: 10 G Street NE, Suite 600
 Washington, DC 20002
 Receive Mail: Yes
 Representing: Democratic Congressional Campaign Committee (DCCC), Appellee
 Pro Se: No
 IFP Status:
 Representing: Democratic Senatorial Campaign Committee (DSCC), Appellee
 Pro Se: No
 IFP Status:

Attorney: Babbitt, Christopher E.
 Pro Hac Vice
 Address: Wilmer Cutler Pickering Hale and Dorr LLP
 1875 Pennsylvania Ave. N.W.
 Washington, DC 20006
 Phone No: (202) 663-6000
 Receive Mail: Yes
 Representing: Democratic National Committee, Appellee
 Pro Se: No
 IFP Status:
 Representing: Pennsylvania Democratic Party, Appellee
 Pro Se: No
 IFP Status:

Attorney: Baxenberg, Justin
 Pro Hac Vice
 Elias Law Group, LLP
 Address: 10 G Street NE, Suite 600
 Washington, DC 20002
 Receive Mail: Yes
 Representing: Democratic Congressional Campaign Committee (DCCC), Appellee
 Pro Se: No
 IFP Status:
 Representing: Democratic Senatorial Campaign Committee (DSCC), Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Boyer, Jacob Biehl
Pennsylvania Office of Attorney General, 16th Floor , Strawberry Square, Harrisburg, PA
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1600 Arch St Ste 300
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Phone No: (267) 768-3968
Receive Mail: Yes
Receive EMail: Yes Email:
Representing: Chapman, Leigh M., Appellee
Pro Se: No
IFP Status:
Representing: Mathis, Jessica, Appellee
Pro Se: No
IFP Status:

Attorney: Centrella, Nicholas Michael, Jr.
Duane Morris LLP
Address: 30 S 17TH St
Philadelphia, PA 19103
Phone No: (215) 979-1850
Receive Mail: Yes
Receive EMail: Yes Email:
Representing: Delaware County Board of Elections, Appellee
Pro Se: No
IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Coyle, Casey Alan
 Babst, Calland, Clements and Zomnir, PC
 Address: Two Gateway Center
 603 Stanwix Street, 6th Floor
 Pittsburgh, PA 15222
 Phone No: (267) 939-5832
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Bedford County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Carbon County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Centre County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Columbia County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Dauphin County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Fayette County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Huntingdon County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Indiana County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Jefferson County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Lawrence County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Lebanon County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Northumberland County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Snyder County Board of Elections, Appellee
 Pro Se: No
 IFP Status:
 Representing: Venango County Board of Elections, Appellee

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Pro Se: No
 IFP Status:
 Representing: York County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Dunn, John B.
 Monroe County Solicitor's Office
 Address: Commissioners' Office
 Administration building
 Quaker Alley
 Stroudsburg, PA 18360-1603
 Phone No: (570) 421-7720
 Receive Mail: Yes
 Representing: Monroe County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Elliot, Peter Poggi
 Greenberg Traurig, LLP
 Address: 1717 Arch St Ste 400
 Philadelphia, PA 19103
 Phone No: (215) 972-5921
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Pennsylvania Democratic Party, Appellee
 Pro Se: No
 IFP Status:

Attorney: Field, Benjamin Hirsch
 City of Philadelphia
 Address: City Of Phila Law Department
 1515 Arch St Fl 15
 Philadelphia, PA 19102
 Phone No: (215) 683-5024
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Philadelphia County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Fischer, Michael John
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 1600 Arch St Ste 300
 Philadelphia, PA 19103
 Phone No: (215) 560-2171
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Chapman, Leigh M., Appellee
 Pro Se: No
 IFP Status:
 Representing: Mathis, Jessica, Appellee
 Pro Se: No
 IFP Status:

Attorney: Fitzpatrick, Amy Melaugh
 The County of Bucks
 Address: The County Of Bucks-Law Department
 55 E Court St
 Doylestown, PA 18901
 Phone No: (215) 348-6464
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Bucks County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Ford, Timothy James
 Dilworth Paxson LLP
 Address: 1500 Market St Ste 3500
 Philadelphia, PA 19102
 Phone No: (215) 575-7017
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Democratic Congressional Campaign Committee (DCCC), Appellee
 Pro Se: No
 IFP Status:
 Representing: Democratic Senatorial Campaign Committee (DSCC), Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Ghormoz, Claire Blewitt
 Dilworth Paxson LLP
 Address: 1500 Market St Ste 3500 E
 Philadelphia, PA 19102
 Phone No: (570) 947-1824
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Democratic Congressional Campaign Committee (DCCC), Appellee
 Pro Se: No
 IFP Status:
 Representing: Democratic Senatorial Campaign Committee (DSCC), Appellee
 Pro Se: No
 IFP Status:

Attorney: Greenberg, Kevin Michael
 Greenberg Traurig, LLP
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 1717 Arch St Ste 400
 Philadelphia, PA 19103
 Phone No: (215) 988-7800
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Pennsylvania Democratic Party, Appellee
 Pro Se: No
 IFP Status:

Attorney: Grimm, Jana Phillis
 Vorys, Sater, Seymour and Pease, LLP
 Address: Vorys Sater Seymour And Pease Llp
 500 Grant St Ste 4900
 Pittsburgh, PA 15219-2502
 Phone No: (412) 298-3293
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Washington County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Hill, John Brent
 Hangle, Aronchick, Segal, Pudlin & Schiller
 Address: Hangle Aronchick Segal
 1 Logan Sq Fl 27
 Philadelphia, PA 19103
 Phone No: (215) 496-7049
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Chapman, Leigh M., Appellee
 Pro Se: No
 IFP Status:
 Representing: Mathis, Jessica, Appellee
 Pro Se: No
 IFP Status:

Attorney: Lester-Abdalla, Elizabeth Pidcock
 Address: PA Office of Attorney General
 1600 Arch Street
 Suite 300
 Philadelphia, PA 19103
 Phone No: (215) 560-2980
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Chapman, Leigh M., Appellee
 Pro Se: No
 IFP Status:
 Representing: Mathis, Jessica, Appellee
 Pro Se: No
 IFP Status:

Attorney: Lorenzo, Daniela
 Pro Hac Vice
 Elias Law Group, LLP
 Address: 10 G Street NE, Suite 600
 Washington, DC 20002
 Receive Mail: Yes
 Representing: Democratic Congressional Campaign Committee (DCCC), Appellee
 Pro Se: No
 IFP Status:
 Representing: Democratic Senatorial Campaign Committee (DSCC), Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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November 6, 2022

COUNSEL INFORMATION

Attorney: Marlatt, John Amos
 Montgomery County Solicitor's Office
 Address: PO Box 311
 Norristown, PA 19404
 Phone No: (610) 278-3033
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Montgomery County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Mattox-Baldini, Faith Anne
 Chester County Solicitor's Office
 Address: 313 W Market St
 Ste 6702
 West Chester, PA 19380
 Phone No: (610) 344-6195
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Chester County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Mavroudis, Dimitrios
 Address: Tucker Law Group
 1801 Market St Ste 2500
 Philadelphia, PA 19103
 Phone No: (215) 982-2280
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Chapman, Leigh M., Appellee
 Pro Se: No
 IFP Status:
 Representing: Mathis, Jessica, Appellee
 Pro Se: No
 IFP Status:

Attorney: McGrath, Sean James
 City of Philadelphia
 Address: 1515 Arch St
 15th Floor
 Philadelphia, PA 19102
 Phone No: (215) 683-5444
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Philadelphia County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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November 6, 2022

COUNSEL INFORMATION

Attorney:	Michel, Lisa G.	
Address:	445 Ft Pitt Commons Ste 300 Pittsburgh, PA 15219-2909	
Phone No:	(412) 350-1167	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Allegheny County Board of Elections, Appellee	
Pro Se:	No	
IFP Status:		

Attorney:	Nkwonta, Uzoma N. Pro Hac Vice Perkins Coie LLP	
Address:	700 13th Street, N.W. Suite 800 Washington, DC 20005-3960	
Phone No:	(202) 654-6200	
Receive Mail:	Yes	
Representing:	Democratic Congressional Campaign Committee (DCCC), Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Democratic Senatorial Campaign Committee (DSCC), Appellee	
Pro Se:	No	
IFP Status:		

Attorney:	Norfleet, Andrew W.	
Address:	Lavery Law 225 Market Street Suite 304 Po Box 1245 Harrisburg, PA 17108-1245	
Phone No:	(717) 233-6633	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Perry County Board of Elections, Appellee	
Pro Se:	No	
IFP Status:		

Attorney:	Opsitnick, Allan Joseph Opsitnick and Associates	
Address:	564 Forbes Ave Ste 1201 Pittsburgh, PA 15219-2910	
Phone No:	(412) 391-3299	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Allegheny County Board of Elections, Appellee	
Pro Se:	No	
IFP Status:		

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney: Pfautz, Michael Wu-Kung
 City of Philadelphia
 Address: City Of Philadelphia Law Dept
 1515 Arch St Fl 15
 Philadelphia, PA 19102
 Phone No: (215) 683-5233
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Philadelphia County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Roseman, Adam R.
 Greenberg Traurig, LLP
 Address: Greenberg Traurig Llp
 1717 Arch St Ste 400
 Philadelphia, PA 19103
 Phone No: (215) 988-7826
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Pennsylvania Democratic Party, Appellee
 Pro Se: No
 IFP Status:

Attorney: Shoucair, Emma Frances Elizabeth
 Dentons Cohen & Grigsby
 Address: Dentons Cohen & Grigsby Pc
 625 Liberty Ave
 Pittsburgh, PA 15222
 Phone No: (412) 297-4777
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Democratic National Committee, Appellee
 Pro Se: No
 IFP Status:
 Representing: Pennsylvania Democratic Party, Appellee
 Pro Se: No
 IFP Status:

Attorney: Stevens, Nicholas J.
 Chester County
 Address: 313 W Market St
 Ste 6702
 West Chester, PA 19380
 Phone No: (610) 451-3166
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Chester County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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November 6, 2022

COUNSEL INFORMATION

Attorney: Strassburger, Zachary Gene
 City of Philadelphia
 Address: City Of Phila Law Dept
 1515 Arch St Fl 17
 Philadelphia, PA 19102
 Phone No: (215) 683-2998
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Philadelphia County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Taylor, Brian J.
 King, Spry, Herman, Freund & Faul, LLC
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 1 W Broad St Ste 700
 Bethlehem, PA 18018-5783
 Phone No: (610) 209-5101
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Northampton County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Thomson, Aimee Diane
 City of Philadelphia
 Address: 1515 Arch St Fl 15
 Philadelphia, PA 19102
 Phone No: (215) 683-5439
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Philadelphia County Board of Elections, Appellee
 Pro Se: No
 IFP Status:

Attorney: Tucker, Joe H., Jr.
 Tucker Law Group, LLC
 Address: Tucker Law Group LLC
 1801 Market Ste Ste 2500
 Philadelphia, PA 19103
 Phone No: (215) 875-0609
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Chapman, Leigh M., Appellee
 Pro Se: No
 IFP Status:
 Representing: Mathis, Jessica, Appellee
 Pro Se: No
 IFP Status:

Supreme Court of Pennsylvania



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COUNSEL INFORMATION

Attorney:	VanderKam, Jessica L.	
	Stuckert and Yates	
Address:	2 N State St	
	Newtown, PA 18940-2027	
Phone No:	(215) 968-4700	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Bucks County Board of Elections, Appellee	
Pro Se:	No	
IFP Status:		

Attorney:	Vargo, Michael John	
	Spitale Vargo Madsen & Blair	
Address:	680 Wolf Ave	
	Easton, PA 18042	
Phone No:	(610) 258-3757	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Northampton County Board of Elections, Appellee	
Pro Se:	No	
IFP Status:		

Attorney:	Volchok, Daniel S.	
	Pro Hac Vice	
Address:	Wilmer Cutler Pickering Hale and Dorr LLP	
	1875 Pennsylvania Ave. N.W.	
	Washington, DC 20006	
Phone No:	(202) 663-6000	
Receive Mail:	Yes	
Representing:	Democratic National Committee, Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Pennsylvania Democratic Party, Appellee	
Pro Se:	No	
IFP Status:		

Attorney:	Waxman, Seth P.	
	Pro Hac Vice	
Address:	WilmerCutler Pickering Hale and Dorr LLP	
	1875 Pennsylvania Ave N.W.	
	Washington, DC 20006	
Phone No:	(202) 663-6000	
Receive Mail:	Yes	
Representing:	Democratic National Committee, Appellee	
Pro Se:	No	
IFP Status:		
Representing:	Pennsylvania Democratic Party, Appellee	
Pro Se:	No	
IFP Status:		

Supreme Court of Pennsylvania



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November 6, 2022

COUNSEL INFORMATION

Attorney: Wiygul, Robert Andrew
 Address: Hangle, Aronchick, Segal, Pudlin & Schiller
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 18TH Cherry Sts Fl 27
 Philadelphia, PA 19103
 Phone No: (215) 496-7042
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Chapman, Leigh M., Appellee
 Pro Se: No
 IFP Status:
 Representing: Mathis, Jessica, Appellee
 Pro Se: No
 IFP Status:

Attorney: Hicks, Ronald Lee, Jr.
 Address: Porter Wright Morris & Arthur, LLP
 Porter Wright Morris & Arthur Llp
 6 Ppg Pll Fl 3
 Pittsburgh, PA 15222
 Phone No: (412) 235-1464
 Receive Mail: Yes
 Receive EMail: Yes Email:
 Representing: Lawyers Democracy Fund, Amicus Curiae
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From: the Order of the Commonwealth Court at No. 447 MD 2022 dated September 29, 2022.
 Appeal Filed Below: 9/30/2022 12:00:00AM

Probable Jurisdiction Noted: October 4, 2022 Docketed Date: October 3, 2022
 Allocatur/Miscellaneous Granted: Allocatur/Miscellaneous Docket No.:
 Allocatur/Miscellaneous Grant Order:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
09/30/2022	Notice of Appeal	90.25	10/07/2022	2022-SUP-M-002299	90.25

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Docket Number:
 Date of Order: Rearg/Recon Disp Date:
 Rearg/Recon Disposition:
 Judge(s):
 Intermediate Appellate Court Action:
 Referring Court:

AGENCY/TRIAL COURT INFORMATION

Supreme Court of Pennsylvania



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Court Below: Commonwealth Court of Pennsylvania

County: Division: Commonwealth Court of Pennsylvania

Date of Agency/Trial Court Order: September 29, 2022

Docket Number: 447 MD 2022

Judge(s): Ceisler, Ellen OTN:

Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Part(s)	October 05, 2022	2
Transcript(s)	October 05, 2022	1

Record Remittal:

BRIEFING SCHEDULE

Appellant

Republican National Committee, et al.

Brief

Due: October 5, 2022 Filed: October 5, 2022

Reproduced Record

Due: October 5, 2022 Filed: October 5, 2022

Appellee

Adams County Board of Elections

Brief

Due: October 6, 2022 Filed:

Allegheny County Board of Elections

Brief

Due: October 6, 2022 Filed: October 6, 2022

Armstrong County Board of Elections

Brief

Due: October 6, 2022 Filed:

Beaver County Board of Elections

Brief

Due: October 6, 2022 Filed:

Bedford County Board of Elections

Brief

Due: October 6, 2022 Filed: October 6, 2022

Berks County Board of Elections

Brief

Due: October 6, 2022 Filed: October 6, 2022

Blair County Board of Elections

Letter in Lieu of Brief

Due: October 6, 2022 Filed: October 5, 2022

Bradford County Board of Elections

Brief

Due: October 6, 2022 Filed:

Bucks County Board of Elections



BRIEFING SCHEDULE

Appellee**Bucks County Board of Elections****Brief**

Due: October 6, 2022

Filed: October 6, 2022

Butler County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Cambria County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Cameron County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Carbon County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Centre County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Chapman, Leigh M.**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Chester County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Clarion County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Clearfield County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Clinton County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Columbia County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022



BRIEFING SCHEDULE

Appellee**Crawford County Board of Elections****Brief**

Due: October 6, 2022 Filed:

Cumberland County Board of Elections**Brief**

Due: October 6, 2022 Filed:

Dauphin County Board of Elections**Brief**

Due: October 6, 2022 Filed: October 6, 2022

Delaware County Board of Elections**Brief**

Due: October 6, 2022 Filed: October 6, 2022

**Democratic Congressional Campaign Committee
(DCCC)****Brief**

Due: October 6, 2022 Filed: October 6, 2022

Supplemental Reproduced Record

Due: October 6, 2022 Filed: October 6, 2022

Democratic National Committee**Brief**Due: October 6, 2022 Filed:
Due: October 6, 2022 Filed: October 6, 2022**Democratic Senatorial Campaign Committee (DSCC)****Brief**

Due: October 6, 2022 Filed: October 6, 2022

Supplemental Reproduced Record

Due: October 6, 2022 Filed: October 6, 2022

Elk County Board of Elections**Brief**

Due: October 6, 2022 Filed:

Erie County Board of Elections**Brief**

Due: October 6, 2022 Filed:

Fayette County Board of Elections**Brief**

Due: October 6, 2022 Filed: October 6, 2022



BRIEFING SCHEDULE

Appellee**Forest County Board of Elections****Brief**

Due: October 6, 2022 Filed:

Franklin County Board of Elections**Brief**

Due: October 6, 2022 Filed:

Fulton County Board of Elections**Brief**

Due: October 6, 2022 Filed:

Greene County Board of Elections**Brief**

Due: October 6, 2022 Filed:

Huntingdon County Board of Elections**Brief**

Due: October 6, 2022 Filed: October 6, 2022

Indiana County Board of Elections**Brief**

Due: October 6, 2022 Filed: October 6, 2022

Jefferson County Board of Elections**Brief**

Due: October 6, 2022 Filed: October 6, 2022

Juniata County Board of Elections**Brief**

Due: October 6, 2022 Filed:

Lackawanna County Board of Elections**Brief**

Due: October 6, 2022 Filed:

Lancaster County Board of Elections**Brief**

Due: October 6, 2022 Filed:

Lawrence County Board of Elections**Brief**

Due: October 6, 2022 Filed: October 6, 2022

Lebanon County Board of Elections**Brief**

Due: October 6, 2022 Filed: October 6, 2022



BRIEFING SCHEDULE

Appellee**Lehigh County Board of Elections****Brief**

Due: October 6, 2022

Filed: October 6, 2022

Luzerne County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Lycoming County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Mathis, Jessica**Brief**

Due: October 6, 2022

Filed: October 6, 2022

McKean County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Mercer County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Mifflin County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Monroe County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Montgomery County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Montour County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Northampton County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Northumberland County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022



BRIEFING SCHEDULE

Appellee**Pennsylvania Democratic Party****Brief**

Due: October 6, 2022

Filed:

Due: October 6, 2022

Filed: October 6, 2022

Perry County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Philadelphia County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Pike County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Potter County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Schuylkill County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Snyder County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 6, 2022

Somerset County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Sullivan County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Susquehanna County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Tioga County Board of Elections**Brief**

Due: October 6, 2022

Filed:

Union County Board of Elections**Brief**

Due: October 6, 2022

Filed: October 7, 2022



BRIEFING SCHEDULE

Appellee

Union County Board of Elections

Venango County Board of Elections

Brief

Due: October 6, 2022

Filed: October 6, 2022

Warren County Board of Elections

Brief

Due: October 6, 2022

Filed:

Washington County Board of Elections

Brief

Due: October 6, 2022

Filed: October 7, 2022

Wayne County Board of Elections

Brief

Due: October 6, 2022

Filed:

Westmoreland County Board of Elections

Brief

Due: October 6, 2022

Filed:

Wyoming County Board of Elections

Brief

Due: October 6, 2022

Filed:

York County Board of Elections

Brief

Due: October 6, 2022

Filed: October 6, 2022

SESSION INFORMATION

Journal Number: J-75-2022
 Listed/Submitted Date: October 7, 2022
 Consideration Type: Submit on Briefs Supreme

DISPOSITION INFORMATION

Related Journal No:	J-75-2022	Judgment Date:	
Category:	Decided	Disposition Author:	Per Curiam
Disposition:	Affirmed	Disposition Date:	October 21, 2022
Dispositional Filing:	Equally Divided Court - Affirmed	Author:	Per Curiam
Filed Date:	October 21, 2022		
Justice:	Todd, Debra	Vote:	For Reversal
Justice:	Donohue, Christine	Vote:	For Affirmance
Justice:	Dougherty, Kevin M.	Vote:	For Affirmance

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DISPOSITION INFORMATION

Justice:	Wecht, David N.	Vote:	For Affirmance
Justice:	Mundy, Sallie	Vote:	For Reversal
Justice:	Brobson, P. Kevin	Vote:	For Reversal

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 30, 2022	Notice of Appeal	Appellant	Republican National Committee, et al.
Comments: Democratic Senatorial Campaign Committee and the Democratic Congressional Campaign Committee (DSCC and DCCC), and the Democratic National Committee and the Pennsylvania Democratic Party (DNC and PDP) were granted intervenor status in Commonwealth on 9-22-22			
September 30, 2022	Jurisdictional Statement	Appellant	Republican National Committee, et al.
October 3, 2022	No Answer Letter to Jurisdictional Statement	Appellee	Perry County Board of Elections
October 3, 2022	No Answer Letter to Jurisdictional Statement	Appellee	Berks County Board of Elections
October 3, 2022	Praecipe for Appearance Philadelphia County Board of Elections	Appellee	Strassburger, Zachary Gene
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Chester County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Lehigh County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Adams County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Montgomery County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Westmoreland County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Bucks County Board of Elections

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 3, 2022	Answer to Notice of Appeal & Jurisdictional Statement	Appellee Appellee	Chapman, Leigh M. Mathis, Jessica
October 3, 2022	Praeipice for Appearance McKean County Board of Elections	Appellee	Clarke, Anthony V.
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	McKean County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee Appellee	Democratic Congressional Campaign Committee (DCCC) Democratic Senatorial Campaign Committee (DSCC)
October 3, 2022	Notice of Joinder to Answer of Acting Sec of Common & Director of Bureau of Elections	Appellee	Delaware County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Luzerne County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Somerset County Board of Elections

Supreme Court of Pennsylvania



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November 6, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Bedford County Board of Elections
		Appellee	Carbon County Board of Elections
		Appellee	Centre County Board of Elections
		Appellee	Columbia County Board of Elections
		Appellee	Dauphin County Board of Elections
		Appellee	Fayette County Board of Elections
		Appellee	Huntingdon County Board of Elections
		Appellee	Indiana County Board of Elections
		Appellee	Jefferson County Board of Elections
		Appellee	Lawrence County Board of Elections
		Appellee	Lebanon County Board of Elections
		Appellee	Northumberland County Board of Elections
		Appellee	Venango County Board of Elections
		Appellee	York County Board of Elections
October 3, 2022	Answer to Notice of Appeal & Jurisdictional Statement	Appellee	Philadelphia County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Union County Board of Elections
October 3, 2022	Praecipe for Appearance		
	Warren County Board of Elections	Appellee	Schmidt, Nathaniel Justus
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Warren County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Northampton County Board of Elections
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Somerset County Board of Elections

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November 6, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 3, 2022	Praeipie for Appearance Cumberland County Board of Elections	Appellee	Hipp, Jennifer B.
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Cumberland County Board of Elections
October 3, 2022	Praeipie for Appearance Snyder County Board of Elections Snyder County Board of Elections Snyder County Board of Elections	Appellee Appellee Appellee	Jewart, Anna Skipper Coyle, Casey Alan Dupuis, Elizabeth A.
October 3, 2022	No Answer Letter to Notice of Appeal & Jurisdictional Statement	Appellee	Allegheny County Board of Elections
October 3, 2022	Application to be Admitted Pro Hac Vice of Uzoma N. Nkwonta Democratic Senatorial Campaign Committee (DSCC) Democratic Congressional Campaign Committee (DCCC)	Appellee Appellee	Bonin, Adam Craig Bonin, Adam Craig
October 3, 2022	Application to be Admitted Pro Hac Vice of Alexander F. Atkins Democratic Senatorial Campaign Committee (DSCC) Democratic Congressional Campaign Committee (DCCC)	Appellee Appellee	Bonin, Adam Craig Bonin, Adam Craig
October 3, 2022	Application to be Admitted Pro Hac Vice of Daniela Lorenzo Democratic Senatorial Campaign Committee (DSCC) Democratic Congressional Campaign Committee (DCCC)	Appellee Appellee	Bonin, Adam Craig Bonin, Adam Craig
October 3, 2022	Application to be Admitted Pro Hac Vice of Justin Baxenberg Democratic Senatorial Campaign Committee (DSCC) Democratic Congressional Campaign Committee (DCCC)	Appellee Appellee	Bonin, Adam Craig Bonin, Adam Craig
October 4, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Lehigh County Board of Elections
October 4, 2022	Notice of Disclosure		Brobson, P. Kevin
October 4, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Philadelphia County Board of Elections

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 4, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Chester County Board of Elections
October 4, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	McKean County Board of Elections
October 4, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Bucks County Board of Elections
October 4, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Allegheny County Board of Elections
October 4, 2022	Praecepte for Appearance Democratic National Committee	Appellee	Shoucair, Emma Frances Elizabeth
	Pennsylvania Democratic Party	Appellee	Shoucair, Emma Frances Elizabeth
October 4, 2022	Probable Jurisdiction Noted		Per Curiam
Comments: AND NOW, this 4th day of October, 2022, probable jurisdiction is NOTED. Appellants' brief is due by October 5, 2022. Appellees' brief is due by October 6, 2022. No reply brief will be allowed. No requests for extensions will be entertained.			
October 4, 2022	Order Exited		Office of the Prothonotary
October 4, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Berks County Board of Elections
October 4, 2022	Praecepte for Appearance Chapman, Leigh M.	Appellee	Fischer, Michael John
	Mathis, Jessica	Appellee	Fischer, Michael John
October 4, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellant	Republican National Committee, et al.
October 4, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Cumberland County Board of Elections

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November 6, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 5, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Bedford County Board of Elections
		Appellee	Carbon County Board of Elections
		Appellee	Centre County Board of Elections
		Appellee	Columbia County Board of Elections
		Appellee	Dauphin County Board of Elections
		Appellee	Fayette County Board of Elections
		Appellee	Huntingdon County Board of Elections
		Appellee	Indiana County Board of Elections
		Appellee	Jefferson County Board of Elections
		Appellee	Lawrence County Board of Elections
		Appellee	Lebanon County Board of Elections
		Appellee	Northumberland County Board of Elections
		Appellee	Snyder County Board of Elections
		Appellee	Venango County Board of Elections
		Appellee	York County Board of Elections
October 5, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Delaware County Board of Elections
October 5, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Chapman, Leigh M.
		Appellee	Mathis, Jessica
October 5, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Lancaster County Board of Elections
October 5, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Clarion County Board of Elections
		Appellee	Susquehanna County Board of Elections
		Appellee	Tioga County Board of Elections

Supreme Court of Pennsylvania



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November 6, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 5, 2022	No Answer Letter to Applications for Admission Pro Hac Vice	Appellee	Union County Board of Elections
October 5, 2022	Praecipe for Appearance Blair County Board of Elections	Appellee	Karn, Nathan W.
October 5, 2022	Praecipe for Appearance Chapman, Leigh M.	Appellee	Lester-Abdalla, Elizabeth Pidcock
	Mathis, Jessica	Appellee	Lester-Abdalla, Elizabeth Pidcock
October 5, 2022	Order Granting Applications to be Admitted Pro Hac Vice		Dreibelbis, Amy
Comments: AND NOW, this 5th day of October, 2022, the Applications to be Admitted Pro hac Vice of Uzoma N. Nikwonta, Esquire Alexander F. Atkins, Esquire Daniela Lorenzo, Esquire and Justice Baxenberg, Esquire, are hereby granted.			
October 5, 2022	Letter in Lieu of Brief	Appellee	Blair County Board of Elections
October 5, 2022	Order Exited		Office of the Prothonotary
October 5, 2022	Commonwealth Court Record Received		Commonwealth Court of Pennsylvania
October 5, 2022	Praecipe for Appearance Potter County Board of Elections	Appellee	Shaffer, Thomas R.
October 5, 2022	Appellant's Brief	Appellant	Republican National Committee, et al.
October 5, 2022	Appellant's Reproduced Record Filed	Appellant	Republican National Committee, et al.
October 6, 2022	Appellee's Brief (Chester County Board of Elections)	Appellee	Chester County Board of Elections
October 6, 2022	Appellee's Brief (Berks County Board of Elections)	Appellee	Berks County Board of Elections
October 6, 2022	Letter in Lieu of Brief - Appellee	Appellee	McKean County Board of Elections
October 6, 2022	Appellee's Brief (Allegheny County Board of Elections)	Appellee	Allegheny County Board of Elections

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 6, 2022	Appellee's Brief (Northampton County Board of Elections)	Appellee	Northampton County Board of Elections
October 6, 2022	Joint Appellee's Brief (Bedford County Board of Elections, et al.)	Appellee	Bedford County Board of Elections
		Appellee	Carbon County Board of Elections
		Appellee	Centre County Board of Elections
		Appellee	Columbia County Board of Elections
		Appellee	Dauphin County Board of Elections
		Appellee	Fayette County Board of Elections
		Appellee	Huntingdon County Board of Elections
		Appellee	Indiana County Board of Elections
		Appellee	Jefferson County Board of Elections
		Appellee	Lawrence County Board of Elections
		Appellee	Lebanon County Board of Elections
		Appellee	Northumberland County Board of Elections
		Appellee	Snyder County Board of Elections
		Appellee	Venango County Board of Elections
		Appellee	York County Board of Elections
Comments: Board of Elections (Bedford Co.; Carbon Co.; Centre Co.; Columbia Co.; Dauphin Co.; Fayette Co.; Jefferson Co.; Huntingdon Co.; Indiana Co.; Lawrence Co.; Lebanon Co.; Northumberland Co.; Snyder Co.; Venango Co.; York Co.)			
October 6, 2022	Joinder letter	Appellee	Delaware County Board of Elections
Comments: Joins in the Brief filed by Appellee Chester County Board of Elections			
October 6, 2022	Joinder and Appellee's Brief (Lehigh Co. Board of Elections)	Appellee	Lehigh County Board of Elections
October 6, 2022	Joinder letter	Appellee	Montgomery County Board of Elections

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 6, 2022	Appellee's Brief (Chapman & Mathis)	Appellee Appellee	Chapman, Leigh M. Mathis, Jessica
October 6, 2022	Appellees' Brief (DNC & Pa Dem Party)	Appellee Appellee	Democratic National Committee Pennsylvania Democratic Party
October 6, 2022	Appellee's Brief (Bucks County Board of Elections)	Appellee	Bucks County Board of Elections
October 6, 2022	Appellee's Brief (Luzerne County Board of Elections)	Appellee	Luzerne County Board of Elections
October 6, 2022	Appellee's Supplemental Reproduced Record (DSCC & DCCC)	Appellee Appellee	Democratic Congressional Campaign Committee (DCCC) Democratic Senatorial Campaign Committee (DSCC)
October 6, 2022	Appellees' Brief (DSCC & DCCC)	Appellee Appellee	Democratic Congressional Campaign Committee (DCCC) Democratic Senatorial Campaign Committee (DSCC)
October 6, 2022	Appellee's Brief (Philadelphia County Board of Elections)	Appellee	Philadelphia County Board of Elections
October 7, 2022	Untimely Letter in Lieu of Brief (Union County Board of Elections)	Appellee	Union County Board of Elections
October 7, 2022	Submitted on Brief		Supreme Court of Pennsylvania
October 7, 2022	Application to be Admitted Pro Hac Vice (Seth P. Waxman)	Democratic National Committee Pennsylvania Democratic Party	Appellee Appellee
October 7, 2022	Application to be Admitted Pro Hac Vice (Daniel S. Volchok)	Democratic National Committee Pennsylvania Democratic Party	Appellee Appellee
October 7, 2022	Application to be Admitted Pro Hac Vice (Christopher E. Babbitt)	Democratic National Committee Pennsylvania Democratic Party	Appellee Appellee
October 7, 2022	Untimely Letter in Lieu of Brief (Washington County Board of Elections)	Appellee	Washington County Board of Elections

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November 6, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 7, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	Berks County Board of Elections
October 7, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	Luzerne County Board of Elections
October 7, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	Bucks County Board of Elections
October 7, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	Union County Board of Elections
October 8, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	Bedford County Board of Elections
		Appellee	Carbon County Board of Elections
		Appellee	Centre County Board of Elections
		Appellee	Columbia County Board of Elections
		Appellee	Dauphin County Board of Elections
		Appellee	Fayette County Board of Elections
		Appellee	Huntingdon County Board of Elections
		Appellee	Indiana County Board of Elections
		Appellee	Jefferson County Board of Elections
		Appellee	Lawrence County Board of Elections
		Appellee	Lebanon County Board of Elections
		Appellee	Northumberland County Board of Elections
		Appellee	Snyder County Board of Elections
		Appellee	Venango County Board of Elections
		Appellee	York County Board of Elections

Supreme Court of Pennsylvania



Appeal Docket Sheet

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November 6, 2022

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 10, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	Philadelphia County Board of Elections
October 10, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee Appellee	Democratic Congressional Campaign Committee (DCCC) Democratic Senatorial Campaign Committee (DSCC)
October 10, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellant	Republican National Committee, et al.
October 10, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	Allegheny County Board of Elections
October 10, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee Appellee Appellee	Clarion County Board of Elections Susquehanna County Board of Elections Tioga County Board of Elections
October 10, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee Appellee	Chapman, Leigh M. Mathis, Jessica
October 10, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	McKean County Board of Elections
October 11, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	Montgomery County Board of Elections
October 11, 2022	No Answer Letter to Applications to be Admitted Pro Hac Vice (Waxman, Volchok, Babbitt)	Appellee	Delaware County Board of Elections

Supreme Court of Pennsylvania



Appeal Docket Sheet

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November 6, 2022

DOCKET ENTRY

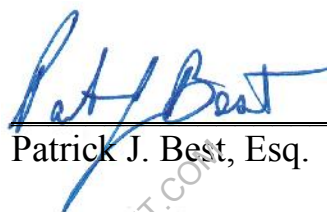
Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 11, 2022	Order Granting Applications to be Admitted Pro Hac Vice		Dreibelbis, Amy
Comments: AND NOW, this 11th day of October, 2022, the Applications to be Admitted Pro Hac Vice of Seth Pl. Waxman, Esquire Daniel S. Volchok, Esquire, and Christopher E. Babbitt, Esquire are hereby granted.			
October 11, 2022	Order Exited		Office of the Prothonotary
October 17, 2022	Praecipe for Appearance Cumberland County Board of Elections	Appellee	Hipp, Jennifer B.
October 21, 2022	Affirmed		Per Curiam
Comments: AND NOW, this 21st day of October, 2022, the Court being evenly divided, the order of the Commonwealth Court is AFFIRMED. Justices Donohue, Dougherty and Wecht would affirm the Commonwealth Court's order. Chief Justice Todd and Justices Mundy and Brobson would reverse the Commonwealth Court's order.			
October 21, 2022	Judgment Entered		Office of the Prothonotary

CROSS COURT ACTIONS

Docket Number: 447 MD 2022

CERTIFICATE OF COMPLIANCE

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.



Patrick J. Best, Esq.

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

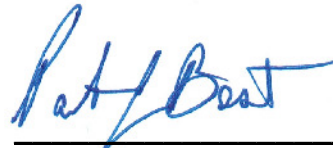
I, Patrick J. Best, Esquire, do hereby certify that on the 7th day of November 2022, I will serve a true and correct copy of the forgoing Affidavit of Service, upon the interested parties, as soon as administratively possible in the manner as indicated and addressed below:

Via E-mail:

Thomas W. King, III
tking@dmkcg.com

Thomas E. Breth
tbreth@dmkcg.com

John Dunn
31 North Seventh Street
Stroudsburg, PA 18360



Patrick J. Best, Esq.

RETRIEVED FROM DEMOCRACYDOCKET.COM

MONROE COUNTY REPUBLICAN
COMMITTEE, JOSEPHINE FERRO,
THOMAS C. WHITEHEAD, and PETER
BEGLEY,

Plaintiffs,

v.

MONROE COUNTY BOARD OF
ELECTIONS, JOHN D. CHRISTY, County
Commissioner of Monroe County,
Pennsylvania, SHARON S. LAVERDURE,
County Commissioner of Monroe County,
Pennsylvania,

Defendants.

v.

PENNSYLVANIA DEMOCRATIC PARTY
and MONROE COUNTY DEMOCRATIC
COMMITTEE,

Intervenors.

COURT OF COMMON PLEAS
MONROE COUNTY

DOCKET NO.: 7228-CV-2022

ORDER

AND NOW, this _____ day of _____, 2022, upon the Petition for Intervention and any response thereto, it is hereby ORDERED that the Pennsylvania Democratic Party and Monroe Democratic Committee are hereby granted leave to intervene in the above captioned matter.

By the Court:

, J.