ORDER

AND NOW, this _____ day of _____ 2023, upon consideration of the Plaintiffs submitted amendment and administratively curative motion for leave to amend herein, and Defendants motion to strike and dismiss the subject case, the Court finds as follows:

1. Plaintiffs' administrative request for curative leave to amend named Defendants in their complaint is timely, reasonable, and does not harm Defendants who should have already been lawfully notified as potential respondents at the commencement of litigation by counsel (solicitors) for Delaware County and the Delaware County Board (and Bureau) of Elections.
2. Defendants' counsel, J. Manly Parks, Solicitor for the Delaware County Board of Elections, and William F. Martin, Solicitor for Delaware County, as now named Defendants in the subject amendment, and potential direct participants in ordering, fomenting, or curating Plaintiffs' alleged violations of election law, are disqualified as respondent attorneys as a matter of compliance with Pennsylvania Rules of Professional Conduct (*PA Code 204 Rule 1.7*).

WHEREFORE, this court hereby enters the following ORDER:

AND NOW, this _____ day of _____ 2023, it is hereby ORDERED and DECREED that:

3. Plaintiffs' administrative request for leave to amend named Defendants in their complaint is GRANTED, their AMENDMENT is ACCEPTED, and will remain on the docket.
4. Defendants' motion to deny and strike Plaintiffs' amendment is DENIED with prejudice.
5. Defendants' motion to dismiss Plaintiffs' complaint is DENIED with prejudice.
6. J. Manly Parks and William F. Martin are further disqualified from representing other named Defendants.

BY THE COURT

_____

NICHOLE MISSINO, LEAH HOOPES

And

GREGORY STENSTROM, ***ALL PRO SE***

Petitioners

v.

DELAWARE COUNTY BOARD OF ELECTIONS

And,

DELAWARE COUNTY BUREAU OF ELECTIONS,

And,

DELAWARE COUNTY

And,

IN THEIR OFFICIAL CAPACITIES

JAMES M. PARKS,

And

JOHN P. MCBLAIN

And

JAMES P. ALLEN,

And

ROBERT WRIGHT,

And

WILLIAM F. MARTIN,

And,

ASHLEY LUNKENHEIMER,

IN THE DELAWARE COUNTY COURT
OF
COMMON PLEAS, PENNSYLVANIA

No.: CV-2022-008091

CIVIL ACTION, CIVIL LAW, ELECTION LAW

PLAINTIFFS' ANSWER TO DEFENDANTS MOTION TO STRIKE PLAINTIFFS' AMENDED COMPLAINT, AND PLAINTIFFS' ADMINISTRATIVE MOTION FOR LEAVE TO AMEND

DISCOVERY REQUESTED

EVIDENTIARY HEARING(S) REQUESTED

ORAL ARGUMENTS REQUESTED

JURY TRIAL REQUESTED

And,

SCOTT ALBERTS,

And,

CHRISTINE REUTHER,

And,

MONICA TAYLOR,

And,

ELAINE P. SCHAEFER,

And,

KEVIN M. MADDEN,

And,

RICHARD R. WOMACK, JR

Respondents

PLAINTIFFS' ANSWER TO DEFENDANTS MOTION TO STRIKE PLAINTFFS' AMENDED COMPLAINT AND PLAINTIFFS' ADMINISTRATIVE MOTION FOR LEAVE TO AMEND

1. Defendants are desperate to dismiss Plaintiffs' entire case with prejudice, and again include that procedurally improper grand demand in their most recent motion to strike Plaintiffs' amendment, as they have done in every previous filing. Defendants again intentionally misquote and conflate civil procedures and law in their citations. Defendants again omit relevant facts that they have a duty to know and apply in their filings, as improper devices to dismiss Plaintiffs' meritorious case and amendment that demands the scrutiny of a jury.

2. Defendants' counsel, J. Manly Parks, as official named Solicitor for the Delaware County Board of Elections, is now a named Defendant in the subject amendment, and as such, if not a matter of prudence, but more so, as a matter of compliance with Pennsylvania Rules of Professional Conduct (*PA Code 204 Rule 1.7*), is disqualified as a respondent attorney.

3. William F. Martin, as official named Solicitor for Delaware County, is also now a named Defendant, and also an alleged participant, and is similarly disqualified as a respondent attorney.

4. Solicitors Martin and Parks have been both counsels and witnesses for Defendants by their own proclamations in filings and injunctive hearings, which has been previously technically permissible under Rules of Professional Conduct specific to advocacy. But they have moved beyond the boundaries of permitted advocacy to becoming alleged active participants in the alleged election law violations in the underlying complaint, based on testimony elicited during injunctive hearings to date.

5. Rule 1.7. "Conflict of Interest: Current Clients" states:

> *(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:*
>
> *(1) the representation of one client will be directly adverse to another client: or*
>
> *(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person, or by a personal interest of the lawyer.*

Hence, Defendants' subject filing, by Attorney Parks, is improper under Rules of Professional Conduct and law, for the most recent motion. Any future filings or representation of other named Defendants by either Solicitor Parks or Solicitor Martin would also be improper.

6. It is perplexing to Pro Se Plaintiffs that Defendants so strenuously, and so often erroneously, object to Plaintiffs' alleged non-adherence to Rules of Civil Procedure and their "abuse" of the judicial system, when Defendants themselves take regular leave to ignore, twist, or omit procedures, and stretch Rules of Professional Conduct to the limit, or blatantly break them with impunity.

7. In this instance, Defendant's counsel for the Board of Elections and Bureau of Elections, J. Manly Parks, has responded to Plaintiffs' Amendment, characterizing it as a "nullity," without acknowledgement or indication that newly named parties exclusively include solicitors, elected representatives, appointees and employees of the government entities they named in the original complaint. Nor does attorney Parks address his presumed extended representation for Delaware County and the named elected representatives, appointees, and employees of the county.

8. The omission by Defendants' counsel, that a Judge has not yet been assigned to the case, nor has a scheduling order been produced by prothonotary, or other judicial support staff, while also citing laches claims, are also germane facts relevant to Plaintiffs' amendment, with further clarification as to Plaintiffs' need to make timely amendment below.

9. *Federal Rules of Civil Procedure, TITLE III. PLEADINGS AND MOTIONS, Rule 15. Amended and Supplemental Pleadings (c)(1)(c) Relation Back of Amendments*, and *231 Pa. Code § 1033,* apply to Plainitffs' subject amendment

10. Rule 1033 *(231 Pa. Code § 1033)* states:

> *(b) A party, either by filed consent of the adverse party or by leave of court, may at any time change the form of action, add a person as a party, correct the name of a party, or otherwise amend the pleading. The amended pleading may aver transactions or occurrences which have happened before or after the filing of the original pleading, even though they give rise to a new cause of action or defense. An amendment may be made to conform the pleading to the evidence offered or admitted.*

11. As stated above, Defendants omit in their filing that the case has not yet been assigned to a Judge. A basic presumption of the Rules of Civil Procedure cited by Defendants is that a functional, cooperative, and dutiful Court system is available to provide surface area to apply said procedures, which is not the current case (no Judge has been assigned), and has not historically been the case in Delaware County.

12. In two (2) other election and civil law proceedings Plaintiffs have filed since the 2020 election, the Courts, at every level, dawdled and delayed in abused administrative processes and assignments, first fighting Plaintiffs for over three (3) months to simply accept and file their exhibits for CV-2022-000032 (first filed in October 2021, and finally accepted in January 2022), in what is reasonable to assume was an apparent attempt to run out the clock for completing a filing.

13. The Court then delayed another six (6) months to assign a Judge (Judge Whelan), who then summarily dismissed their case as "moot," in part, because of the passage of time that the Courts themselves inflicted, without ruling on standing motions and sur reply, or providing redress or remedy to the spoliation of evidence the Court had a duty to ensure was preserved for Plaintiffs initial case filed in December 2020 (now *Stenstrom & Hoopes v Board of Elections CV-2020-007523*)).

14. Similarly, in CV-2020-007523, the Court ignored requests for evidentiary hearing, held ex parte hearings and meeting without transcripts, and financially sanctioned Plaintiffs for over $50,000 without hearing, with those sanctions being dismissed by the Commonwealth Court of Pennsylvania.

15. Most recently, in CV-2022-000032, the Court filed an opinion in December 2022, five (5) months after Notice of Appeal in August 2022, and six (6) months after its Order in July 2022, and obfuscated the judicial support time stamp, which was a clear violation of Rules of Civil Procedure and appellate procedures about which the Court had a duty to know.

16. These multiple aberrations, if not abuses, of procedure and judicial discretion in Delaware County are now matters before both the US Supreme Court (*Stenstrom & Hoopes v Board of Elections, docket 22-503*) and the Commonwealth Court of Pennsylvania (*Moton, Stenstrom and Hoopes v Boockvar (CD 876 22)*).

17. In the context of the above, and Defendants' stated position that they would deny request to amend in their motion, had Plaintiffs been forced to wait for administrative

assignment of a Judge in the subject case (CV-2022-008091), other necessary procedural motions related to the Amendment would be stymied, or the timeframes for Amendment and related motions could expire, a situation that should be noted, would be convenient and favorable to the government Defendants, and especially so to the newly named solicitors Parks and Martin.

18. Plaintiffs' complaint and allegations are not attached to a single causative static event or set of events, but are dynamic, ongoing violations with reasonable concerns by Plaintiffs that Defendants will spoliate evidence, and that attorneys, solicitors, and elected and appointed officials are all prospective beneficiaries and causative participants in the election, civil, and potential criminal violations of law for which Plaintiffs' complaint is seeking remedy and relief.

19. Hence, as a matter of requesting "leave of the court," with the "court" being more precisely a Judge who could make timely ruling on granting said leave, no such leave could be requested as a practical matter. Also precisely, the Plaintiffs' current amendment that the Defendants are objecting to, has been limited, at this time, to name specific persons, in their official capacity, in the employ of the original Defendant government entities, based on evidence offered and admitted during the three (3) related injunctive hearings associated with the underlying complaint.

20. Plaintiffs had a Hobson's choice of waiting to amend the complaint until a Judge was assigned and allowing the timelines and laches, cited by Defendants, to expire, or making a timely amendment which was referred to in previous motions and answers to Defendants' opposition, which still remain unruled on as a result of a Judge not yet being assigned, in a continuing, circular "Catch-22" scenario.

21. It cannot be left unsaid that this situation would certainly be pleasing to the Defendants, which includes the employer of same said Judges. Plaintiffs, as a matter of due diligence and personal accountability to vigorously protect their civil rights, cannot allow themselves the luxury of simply counting on administrative government acumen,

and solicitors' performance of lawful duties, to comply with rules of professional conduct, rules of civil procedure, and law, when the fact of the matter is the causative action of their complaint is the breach of like fiduciary duties. Nor can Plaintiffs risk allowing themselves to be toyed with by potential low-brow procedural tactics and trickery, given the potential for malfeasance and corruption of the named Defendants in their official government capacity.

22. Rule 1033 *(231 Pa. Code § 1033)* also states:

> *(c) "An amendment correcting the name of a party against whom a claim has been asserted in the original pleading relates back to the date of the commencement of the action if, within 90 days after the period provided by law for commencing the action, the party received notice of the institution of the action such that it will not be prejudiced in maintaining a defense on the merits and the party knew or should have known that the action would have been brought against the party but for a mistake concerning the identity of the proper party."*

23. As stated in Plaintiffs amendment and previous motions and answers, Defendants have continued to respond on behalf of the "Bureau of Elections" despite their insistence that this entity does not exist, and despite the fact that said "Bureau of Elections" has a webpage maintained by the County (https://www.delcopa.gov/vote/bureau.html), and offices in the County Government Building listed as the "Bureau of Elections," and is regularly referred to as an entity by the "Board of Elections," and is a line item entity in County financial documents.

24. Further, oral arguments and evidence offered and submitted by both Plaintiffs AND Defendants intermingled named officials for "Delaware County" (proper), the "Board of Elections," and the "Bureau of Elections." Testimony from witnesses offered by the Defendants themselves, named solicitors and officials in their official capacities during the most recent injunctive hearing.

25. Hence, Plaintiffs produced the amendment naming said officials (in their official capacity), and added Delaware County (as proper corporate entity), as a matter of due

diligence, and an abundance of caution, in ensuring all parties to the complaint be properly named, in their official capacities, in an administratively timely manner.

26. All newly named parties, as elected representatives, and appointed employees and contractors of the County related to the administration of elections should have already "***received notice of the institution of action***" to which they are parties, and also been made aware of their duty to preserve and maintain evidence as a matter of Rules of Professional Conduct and Rules of Civil Procedure by the solicitors and attorneys for the initially named Defendants.

27. Hence, no damage or prejudice could be possible to the newly named Defendants "***in maintaining a defense on the merits and the party knew or should have known that the action would have been brought against the party but for a mistake concerning the identity of the proper party."***

28. Again, given the previous noted administrative delay or dawdling of the Court in assigning a Judge, and given that Federal Rule 15 and Pennsylvania Rule 1033 requires timely amendments regarding named Defendants be made within 90 days of commencing action, then Plaintiffs, again, had a Hobson's choice of naming the additional Defendants for purposes of clarification and inclusivity as soon as possible, or suffering continuing allegations and motions regarding procedural violations, and damage to their case and evidence if they did not vigorously and proactively protect their complaint, protect the evidence in the hands of the Defendants, and assert their civil rights.

29. Rule 1033 *(231 Pa. Code § 1033)* also states:

> *(d) An amendment substituting the actual name of a defendant for a Doe designation as provided in Rule 2005 relates back to the date of the commencement of the action if, within the time provided by Rule 401 for service, the defendant named by the amendment has received actual or constructive notice of the commencement of the action such that it will not be prejudiced in maintaining a defense on the merits and the defendant knew or should have known that the action*

would have been brought against it but for lack of knowledge of the defendant's actual name.

30. While Plaintiffs did not initially name a "John or Jane Doe" Defendant, this section of code (paragraph (c) for Rule 1033) reaffirms the intent of paragraph (b) cited above that the newly named Defendants, have been required by law, Rules of Professional Conduct, and Rules of Civil Procedure to be notified of commencement of action by Plaintiffs' attorneys (Solicitors Martin and Parks). It is also affirming that all of the newly named Defendants have either personally attended injunctive hearings or discussed or commented on the subject case in public hearings, and ***"should have known that the action would have been brought against it but for lack of knowledge of the defendant's actual name."*** The newly named Defendants' actual names were elicited and disclosed in an injunctive hearing subsequent to filing the original complaint, and are also included in ongoing Right to Know (RTK) requests and responses that will be presented in further proceedings, and the jury trial requested.

31. With regard to Defendants' objections that Plaintiffs initiated their litigative actions with regard to 2022 election violations in Delaware County via an injunction without underlying complaint and cause of action, the initial injunction was dismissed by Judge Angelos for lack of standing, however, he allowed Plaintiffs to further cure their actions by accepting the underlying complaint, which Plaintiffs filed within hours of the initial hearing, with Judge Angelos attaching the first injunctive hearing to said submitted complaint.

32. Plaintiffs, as Pro Se parties, were reasonably uncertain of local procedures given that their first experience with the Court in November 2020, was in the form of injunctive relief for which they retained counsel (John McBlain), and which was also initially made without an apparent underlying cause of action in *Delaware County Republican Executive Committee v Board of Elections*, for which Judge Capuzzi issued an order to provide access to previously sequestered ballot (pre)canvassing rooms for 5 minutes every two hours. In light of this experience, and the veracity of the Plaintiffs' initial injunction, albeit imperfect procedural processes, Judge Angelos' patience with, and reasonable latitude given to, Pro

Se Plaintiffs, to allow them to get their bearings as a matter of a fundamental principle of fairness in litigation, was appropriate.

33. To the best knowledge of Pro Se Plaintiffs, Amendments to pleadings typically either involve naming and adding / subtracting Defendants, or amending the body of complaints based on obtaining information not available at the time of commencement of litigation. Plaintiffs have certainly, and repeatedly, developed and provided an argument on how the Amendment meets the applicable standards, as the information regarding the actions of the newly named Defendants was gained during the trajectory of the injunctive proceedings.

34. The specificity of Plaintiffs' that the subject amendment was to clarify and add newly named Defendants, who were all required to be given notice by Defendants' counsel in their official capacities of the subject litigation, is primarily an administrative matter, and there is, or was, no lawful requirement to resubmit the complaint in it's entirety with any new, or amended cause of action, contrary to Defendants' conflated and contrarian argument that Plaintiffs were required to further amend the body of the underlying complaint in accordance with Rules 1019(a), 1020(a), and Rule 1021(a). Indeed, the Prothonotary, or perhaps the Courts' judicial support staff, in the absence of an assigned Judge, have already added the newly named Defendants in the Court docket, as one point of order and evidence that the subject amendment is administrative in nature.

35. Given that Plaintiffs' recourse if the Amendment is stricken, would be to simply file another Motion for Leave to Amend, which the Court would be compelled to grant, and then simply refile the Amendment, then Defendants filing and motion to strike is essentially litigative tiddlywinks, and a waste of time for all parties, including the Court.

36. Defendants have already provided timely notice of intent to amend the body of the complaint in accordance with Rules 1033, 1019, 1020, and Rule 1021, as a result of testimony and evidence submitted in the injunctive hearings. It should be noted that while the first two injunctive hearings were dismissed for standing, for which respondent Solicitor Parks acted as both advocate counsel AND witness within the boundaries of Rules of Professional Conduct, attorney Parks statements and testimony are all subject to be cited

in future amendments. Among Solicitor Parks statements made before the Court (Judge Angelos), were he admitted that Plaintiffs would have standing on Election Day, and that the Defendants, who relied on his counsel, had stringently complied with all election laws to create a "fail safe" process for ensuring election integrity that the Judge relied upon in his ruling. Plaintiffs proposed to the Court that while a decision by Judge Angelos that Plaintiffs had standing at the time of the injunction might be potentially overturned on appeal to allow them to observe pre-canvassing in accordance with Pennsylvania election law, with their argument that Elections were a "process" and not a singular "one day" event, as a matter of equity if not "black letter law," Solicitor Parks' contrary assurances and advocacy cum testimony were (obviously) given more weight in his decision. Regardless of the outcome of the ruling, the entirety of the proceedings and specifically Solicitor Parks testimony will be rightfully and lawfully used in the body of the forthcoming amended body of the complaint, at which time it would then be appropriate for Defendants to respond, object to, and make motions on.

37. Also among prospective reasons for forthcoming request(s) for leave to amend the body of the complaint was the fast moving and emergent evidence of election law violations, resulting in Pro Se Plaintiffs having only several hours to prepare and submit a relatively complex complaint and associated injunctions with the challenge of vigorous reticence by Defendants to allow lawfully required transparency.

38. Hence, Defendants' implied urgency and insistence that Plaintiffs' case be dismissed and stricken for Rules of Civil Procedure that have not yet been considered, or permitted to be perfected in the normal course of the pre-trial jury trajectory requested by Plaintiffs, is premature.

39. Since the initial injunctive hearing, and short grace period provided by Judge Angelos to submit an underlying complaint and cause of action, Pro Se Plaintiffs have stringently observed Rules of Civil Procedure, thoroughly researched the law in preparing filings and citations, and been as temperate and professional in language as might be expected in light

of the contemptuous characterizations, antagonisms, and public barbs and threats by Defendants and their solicitors cum attorneys.

40. Indeed, Plaintiffs are Pro Se in large part due to the Delaware County Solicitor William F. Martin's, and Board of Elections executive member John McBlain's (who is also a solicitor for multiple County entities) public, verbal threats that they would seek punitive monetary sanctions, legal fees, and disciplinary charges against any citizen and their attorney, that might have the temerity to question them. Attorney Martin affirmed these public threats by submitting Plaintiffs' previous attorney, Deborah Silver, for disbarment. It should be noted, that all previous draconian, punitive sanctions and claims for attorney fees filed by Defendants against the Plaintiffs have been denied or dismissed by the Common Pleas and Commonwealth Court of Pennsylvania, and application for disbarment of their attorney was also denied.

41. Defendants repeatedly conflate Judge Dozer's rulings on the third injunctive hearing related to this case, as a de facto finding of "no evidence" (at all) and reason for dismissal of the underlying complaint. Regardless that the veracity of Judge Dozer's assessment remains to be tested in trial when the transcripts will be considered by jury, arguments and testimony produced in hearings for special injunctive relief are only specific to those injunctions, and cannot lawfully be employed to sweep away an underlying complaint that demands consideration of ALL evidence, and the full scrutiny of a jury trial.

42. Lastly, Solicitor Martin loudly "boomed" both a challenge and threat towards citizens and attorneys with the statement below, and misrepresentations and mischaracterizations of injunctive proceedings and the subject case of this motion as detailed in **Exhibit 1**:

> ***"It's time to put up or shut up. If you think there's fraud, sue me. Sue me. Sue me personally because then when it gets thrown out, I'll sue you for abuse of process. Sue me."***

Plaintiffs have accepted this challenge, and given Solicitor Martins continued violations of Rules of Professional Conduct with venomous public attacks and threats directed at

Plaintiffs, the citizenry of Delaware County, and prospective attorneys that might represent them. Solicitor Martin apparently either has pre-knowledge of the Court's prospective actions and rulings, or is working hard to pollute the prospective jury pool for the trial requested by Plaintiffs. It is contradictory to continue to vehemently proclaim innocence and scream for a trial to present evidence of such in public, while underhandedly fighting a jury trial that would definitively resolve the allegations of Plaintiffs, and taking every opportunity to deny and stifle lawfully required transparency of election processes.

REQUESTED RELIEF

43. While Plaintiffs' filed the subject Amendment in good faith, and with their best understanding of federal and Pennsylvania Rules of Civil Procedure and local rules for the Court as alliterated above, Plaintiffs also recognize and respects the Court's obligation to ensure administrative compliance with these procedures, and requests that the Court consider administratively curing this, and administratively disposing of Defendants' grand demand to dismiss the entire complaint and amendment, by granting leave to amend included in Plaintiffs' attached proposed order.

44. Plaintiffs also request that the Court deny Defendants' demand to procedurally dismiss the underlying complaint, and to strike Plaintiffs' amendment. As a matter of administrative sequence, and prudent respect and use of the Courts time, Defendants would still have the opportunity to resubmit their objections, motions, and cure their own procedural omissions in the context of Plaintiffs' current administrative motion for leave to amend, and any future requests for leave to amend the body of the Complaint.

Respectfully submitted:

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VERIFICATION

We, Nichole Mission, Leah Hoopes and Gregory Stenstrom, hereby verify the statements made in the foregoing pleadings are true correct to the best of our knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. section 4904 relating to unsworn falsification to authorities.

Respectfully submitted:

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EXHIBIT 1

"Delaware County solicitor tells those alleging election fraud "Sue me!"

https://www.delcotimes.com/2023/01/06/delaware-county-solicitor-tells-those-alleging-election-fraud-sue-me/

LATEST HEADLINES

Delaware County solicitor tells those alleging election fraud, 'Sue me!'

William F. Martin issues challenge at county council meeting

Delaware County solicitor tells those alleging election fraud, 'Sue me!'

By KATHLEEN E. CAREY | kcarey@delcotimes.com | delcotimes.com
January 6, 2023 at 11:58 a.m.

MEDIA—Delaware County solicitor William F. Martin threw down the legal gauntlet Wednesday night as he boomed to election doubters, "Sue me!"

"I am profoundly offended to listen to baseless allegations of fraud against me and against other county workers," he said during the part of the regular County Council meeting set aside for his comments. "It's time to put up or shut up. If you think there's fraud, sue me. Sue me. Sue me personally because then when it gets thrown out, I'll sue you for abuse of process. Sue me."

Since 2020, Delaware County has been subject to a litany of legal actions surrounding election processes. So far, in all of them, the county system has been upheld.

Separately, those questioning the county's election processes repeatedly express their views at public comment sections at the beginning and at the end of county council meetings.

"You can't imagine the level of frustration of listening to the same baseless allegations over and over and over again," Martin said. "Process issues I understand. Suggestions that we should count every vote, I understand. I don't agree with them, but I understand."

He spoke of a recent hearing in November before Delaware County Court of Common Pleas Judge Barry Dozor in which three petitioners were trying to delay the certification of votes from that month's general election.

"I sat through that nine-hour hearing and there was zero evidence as was found by Judge Dozor," Martin said. "Zero."

After the hearing, Dozor denied the petition to halt the certification and the election results were certified and sent to Harrisburg.

At Wednesday's council meeting, Martin reiterated his invitation to sue him personally.

"When fraud is alleged, when corruption is alleged with zero basis, all I can say is, 'Please sue,'" he said. "And I encourage you – sue me personally, not in my capacity as solicitor. Sue me personally."

Martin's challenge was addressed during public comments.

Joyce Schwartz, who has not been a party in the lawsuits but has been a staple at county council meetings, took some time at the podium to clarify her position.

"Just to be clear, I'm not accusing anyone of fraud," she said. "I am concerned about process and when I use the term vectors for fraud I'm just basically saying the possibility or the opportunity of somebody tampering with something that they shouldn't, ok? I didn't say that it's happened. I don't know if it's happened."

Kathy Buckley of Edgmont Township said all she wants is for the ballots to be counted by hand and not a machine.

She told Martin that if she pursues the legal avenue, "you better not go after the law license of my lawyer."

However, she added, "I don't want to go this route. Everyone has to pay for another lawsuit … If I have to go that route, I will."

Glenolden resident Carl Balis encouraged those who see a failure in the system to take it to court, once again.

"The only thing I can say to people who question the election system is, 'Take it into court,'" Balis said. "If you have a real complaint against the government for any reason, not just elections, you take it into court."

He said he did not believe that any change would be affected by repeated comments at county council meetings.

"I don't really understand their motivations at this point because nothing can be achieved by it at this point," Balis said. "You take it into court."

Kathleen E. Carey | Reporter
Kathleen E. Carey has been a reporter for the Delaware County Daily Times since 1998.

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Follow Kathleen E. Carey @dtbusiness