

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Pennsylvania Senate Intergovernmental Operations
Committee,

Petitioner,

v.

Pennsylvania Department of State, et al.,
Respondents.

No. 95 MD 2022

**RESPONDENTS' APPLICATION FOR RELIEF DISMISSING THE
PETITION FOR REVIEW AS MOOT**

Respondents, the Pennsylvania Department of State and Acting Secretary of the Commonwealth Leigh M. Chapman, respectfully submit this Application for Relief under Pennsylvania Rules of Appellate Procedure 123 and 1972 to dismiss the Petition for Review as moot. In support of this application, Respondents state as follows:

1. In September 2021, the Senate Intergovernmental Operations Committee issued a sweeping subpoena to the Department of State demanding, among other items, records containing drivers' license numbers, partial Social Security Numbers, addresses, and dates of birth for close to nine million registered voters.

2. For the reasons set forth in more detail in the accompanying brief, that subpoena is now void and this action is moot.

3. The Senate's 2021-2022 legislative session, in which the subpoena was issued, concluded on November 30, 2022 with the adjournment *sine die* of the General Assembly. *See* 101 Pa. Code § 7.21. The Senate resolution that created the Committee and authorized its business has expired, as has the Committee itself.

4. As the legislative session has expired, the Committee, its powers, and its business, including the subpoena at issue, have been terminated.

5. A claim becomes moot after “changes in the facts or in the law . . . deprive the litigant of the necessary stake in the outcome.” *Pub. Def.'s Office of Venango Cty. v. Venango Cty. Court of Common Pleas*, 893 A.2d 1275, 1279 (Pa. 2006).

6. Petitioner does not consent to the requested relief. The Voter Intervenors take no position. The Senate Intervenors did not respond to a request for their position.

WHEREFORE, Respondents respectfully request that this Court dismiss the petition as moot.

Dated: December 5, 2022

Respectfully submitted,

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CERTIFICATION REGARDING PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: December 5, 2022

/s/ Elizabeth P. Lester-Abdalla
Elizabeth P. Lester-Abdalla

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ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of Respondents' Application for Relief Dismissing the Petition for Review as Moot, and any response thereto, it is hereby ORDERED that the application is GRANTED. The above-captioned case shall be DISMISSED as moot.

BY THE COURT,

_____, J.

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