

TROIANI LAW FIRM  
BY: Dolores M. Troiani, Esquire  
Solicitor, Republican Committee  
of Chester County  
I.D. NO: 21283  
P.O. Box 1363  
Paoli, PA 19301  
(610) 688-8400

Attorney for Plaintiffs

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IN THE COURT OF COMMON PLEAS OF CHESTER COUNTY, PENNSYLVANIA  
CIVIL DIVISION

REPUBLICAN COMMITTEE OF CHESTER : CIVIL ACTION – IN EQUITY  
COUNTY, FELICE FEIN, JEANNE LOCASTRO, :  
BECKY MCCARRON AND KIM SCHAFFER : No.

Plaintiffs :

vs. :

CHESTER COUNTY BOARD OF ELECTIONS :

Defendant :

2024-03305-MJ

2024 MAR 19 11:15 AM

**PETITION FOR PRELIMINARY INJUNCTIVE RELIEF**

Plaintiffs through their undersigned counsel, petitions this Court on behalf of the RCCC and the individual plaintiffs for the issuance of a preliminary injunction pursuant to Pa. R.C.P. 1531, and in support alleges as follows:

1. Plaintiffs have filed a verified complaint in equity with the Prothonotary of this Court on even date, a true copy of which is attached as Exhibit "1."
2. The parties to this action are the Republican Committee of Chester County, (the RCCC), the individual committee members and the Chester County Board of Elections.
3. On January 11, 2024, Defendants filed a Petition to alter the Phoenixville Borough precincts prior to the April 23, 2024, primary. The RCCC requested a copy of the petition and

voiced concern that, to appear on the ballot committee members are required to obtain nomination petitions in the precinct in which they reside and to submit those petitions to Voter Services no later than February 13, 2024.

4. By altering the precincts without notice to the RCCC, the committee members would not be able to submit nomination petitions in sufficient time for their names to appear on the ballot.

5. The RCCC requested a copy of the petition, which was not provided until February 8 (after the third request). The petition failed to inform the Court of the statutory notice periods, and erroneously stated that the Pennsylvania Department of State had reviewed and provided preliminary approval of the proposed modification. When the RCCC learned the County obtained an ex-parte Order from the Court, the RCCC requested that the County provide it with a copy of the Order and that the order be vacated for failure to provide the statutorily required notice.

6. The County did not provide a copy of the Order and the RCCC purchased the Order from the Prothonotary and filed a Motion to Vacate Order. After filing the Motion, the RCCC discovered that the petitioners had vacated it the previous business day.

7. The RCCC learned that the County had counted mail in ballots that had been submitted by residents of a long-term care facility. Each of the residents had designated one person to represent them. The Department of State directive states that “An individual may serve as a designated agent for only one voter unless the relevant voters live in the same household. A **“household” for the purpose of designating an agent does not include a long-term care facility. This means that each resident in a long-term care facility who is unable to return their own voted ballot due to a disability must designate a different agent.** However, a

couple sharing a room or apartment within a facility may be considered members of the same household.” (emphasis added).

8. When the RCCC challenged the designation, the County pointed to a footnote in the case of *Dipietrae v. City of Philadelphia*, which reads in *footnote nine* “We do not herein address the definition of “household” as it relates to that part of the trial court/s order, providing that “an individual cannot be the agent for persons living in more than one household.” Any interpretation concerning places, such as nursing homes or hospitals must be left initially to the administrative discretion of the election officials or the trial court.” 666 A.2d 1132 (Pa. Cmmw. Ct. 1995) at fn 9.

9. When the RCCC requested proof that the Board of Elections had designated a LTCF as a household, the county admitted that no written proof existed.

10. Because committee members are not civil officials, they only run in the primary and not in the general election. *In Re Ganzman*, 133 Pa. Commw. 33; 574 A. 2d 732 (1990); Pa. Commw 260. The majority of the RCCC committee members are running unopposed. Only Republicans are on the ballot because the election for Democrat committee members is next year.

11. For decades, both parties’ committee members act as poll watcher in their own precincts even when they are running for committee.

12. The County now claims that committee members are candidates and therefore cannot be poll watchers in their own precincts because they would be electioneering at the polls.

13. When asked for their legal authority, the county solicitors did not provide the specific language from the Election Code expressly prohibiting a candidate from being a poll watcher, but rather, cited the 1950 Pennsylvania Supreme Court case of *In re General Election to be Held*

*in City and County of Philadelphia* at 366 Pa. 6 (PA. Supreme Ct. 1950). In that case, the candidate sought to be present inside the polling place based upon his status as candidate. Importantly, there is nothing in the Supreme Court case that indicates that a candidate is prohibited from being a poll watcher in his/her own precinct, and the post that candidate was seeking is not identified.

14. For decades, committee members have been permitted to act as poll watchers in their respective precincts without interference from government. *See: Mohn v. Bucks County Republican Comm.* 259 A.3d 449 (Pa. 2021).

15. Voter Services has propagated poll watcher rules, which are published on Voter Services' web site. The only requirement is that the watcher must be a registered voter in Chester County.

16. On April 15, 2024, Voter Services notified Republican Judges of Election that they were not permitted to fulfill their elected duties in the precinct to which they were elected because they were also running for the RCCC.

17. Upon demand for the legal authority supporting their decision, Defendant reversed course and admitted that the Republicans were not running for a civil office and, therefore, could fulfill their duties as Judges of Election.

18. In that the rules for poll workers, including Judges of Election, are more stringent than poll watchers, the RCCC requested that Defendant also relent as to the poll watchers.

19. As more fully detailed in the attached complaint, plaintiffs seek this preliminary injunction to enjoin Defendant from promulgating rules and making policy decisions without notice as required by law, from surreptitiously filing legal actions, engaging in ex-parte communications with the court, from including invalid ballots in the vote count, and to preserve the status quo by permitting Republican Committee Members to be poll watchers in the precincts

in which they reside and cease from interfering with the RCCC's right to assign its poll watchers to the precincts they represent.

20. Plaintiffs request this Honorable Court direct the Chester County Board of Elections to provide notice in accordance with the applicable statutes prior to re-applying for any alteration of precincts or making policy decisions which differ from those previously established, and further direct that Chester County Board of Elections to serve the registered political parties, including the Republican Committee of Chester County, with any future petitions relating to the conduct of elections, and refrain from any ex-parte communications with the court.

21. Plaintiffs request that this Honorable Court direct the County to cease and desist from any further interference with the election of Republican Committee Members and permit its member candidates to be poll watchers in their own precincts as has been the practice for decades.

22. The five elements for the issuance of a preliminary injunction are (1) the injunction is necessary to prevent immediate and irreparable harm, which cannot be compensated by damages; (2) greater injury would result by refusing it than by granting it; (3) an injunction will restore the parties to the status quo as it existed immediately before the alleged wrongful conduct; (4) the alleged wrong is manifest, and the injunction is reasonably suited to abate it; and (5) the plaintiffs' right to relief is clear. *Kierski v. Twp. Of Robinson*, 810 A.2d 196, (Pa.Cmmw. Ct. 2002).

23. Each of these five elements exist here.

24. First, plaintiffs will suffer irreparable harm if defendant is permitted to continue to disregard all notice requirements, to act in secret, to change the status quo regarding Republican committee members, to enact rules and policies that adversely affect one political party and not the others, and to count void or invalid ballots which will dilute validly cast ballots.

25. Second, greater injury will result if the injunction is not entered than if it is granted. If the injunction is not granted, plaintiffs' fundamental right to vote will be impacted because valid votes will be cancelled when invalid votes are counted contrary to the clear requirement of the PA DOS, defendant will continue to act in secret, and will continue to promulgate rules and regulations that may target only one political party.

26. Conversely, there will be no harm to the Chester County Board of Elections or Chester County Voter Services when the Election Code, Sunshine Act and PA DOS Fact Sheet are followed, and defendant is required to follow the law.

27. Furthermore, there will also be no harm to a disabled voter who will continue to be entitled to designate an agent to submit a paper application for, obtain, and /or return the mail-in or absentee ballot on the disabled voter's behalf.

28. Third, the injunction will maintain the status quo because disabled voters and their designated agents will be following PA election law and directives as they stand, and Republican committee members will continue to represent their precincts as they have done for decades.

29. Fourth, the requested injunction is limited to preventing defendant from making policy decisions without notice and an opportunity for public discussion, refraining from ex-parte communications with the court, and maintaining the status quo as it relates to poll watchers.

30. Fifth, Plaintiffs' right to relief is clear. Plaintiffs are asking that defendant follow the directives of the Department of State, that it provide the statutorily required notice of its intent to deviate from those directives and that it maintain a record of when and why it deviated from the directives, that it maintain the status quo and afford committee members to serve as poll watchers in their precincts as they have for decades, and that it cease and desist from engaging in

impermissible ex-parte communications with the court and from committing ethical violations and governing in secret.

WHEREFORE, petitioners/plaintiffs request that this Honorable Court:

- a. Issue a rule to show cause why a preliminary injunction should not be granted against defendant; and
- b. After hearing, issue a preliminary injunction order in the form attached to this petition.

Respectfully submitted,



Dolores M. Troiani  
Dolores M. Troiani, Attorney for Plaintiffs

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VERIFICATION

I, Raffi Terzian verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.



Republican Committee of Chester County

By, Raffi Terzian

Authorized Representative

Date: \_\_\_\_\_

4/18/24

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VERIFICATION

I, Felice Fein verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Felice Fein

Date: 4/17/24

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VERIFICATION

I, BECKY McCARRON verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

Becky McCarron

Date: 4-17-2024

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VERIFICATION

I, Jean LaCastro verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

Jean LaCastro

Date: 4/17/2024

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VERIFICATION

I, Kimberly Schaffer verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

Kimberly L. Schaffer

Date: 4.17.24

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C/O RCCC :  
15 South Church Street :  
West Chester, PA 19382 :  
Plaintiffs :  
vs. :  
CHESTER COUNTY BOARD OF ELECTIONS :  
C/O Chester County Solicitor :  
313 West Market Street :  
West Chester, PA 19380 :  
Defendant :

**CERTIFICATE OF SERVICE**

This is to certify that in the case before the Honorable Court Judges, complete copies of all papers contained in Plaintiffs' Complaint for Injunctive Relief and Mandamus and Petition for Injunctive Relief have been served upon the following individual via hand delivery on the date stated below:

Chester County Board of Elections  
C/O Chester County Solicitor  
Attention: Colleen Frens, Solicitor  
313 West Market Street, Suite 6702  
West Chester, PA 19380

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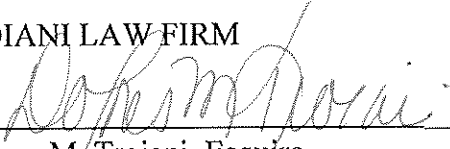
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