



IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

MICHELLE M. SCHELLBERG, et al.,	:	
	:	
	:	No. 2024 - <u>CV-1220-CI</u>
	:	
	:	
Petitioners	:	
vs.	:	
	:	
CENTRE COUNTY BOARD OF ELECTIONS,	:	
	:	
Respondent	:	

APPEAL FROM THE APRIL 23, 2024 PRIMARY ELECTION AS MAY BE CONFIRMED BY THE CENTRE COUNTY ELECTIONS ON MAY 7, 2024

Petitioners, Michelle M Schellberg et al, by and through their undersigned counsel, files the within appeal from the April 23, 2024 primary election as may be confirmed by the Centre County Board of Elections on May 7, 2024, in which the Centre County Board of Elections may knowingly confirm the vote count despite having improperly and under violation of Pennsylvania law counted 95 mail-in ballots missing proper dates as required under Pennsylvania law 25 P.S. §3146.6 (a). In addition the Centre County Election Board has given no indication it tends to comply with the State law in future elections.

1. Petitioner Michelle M. Schellberg, a Centre County registered voter who resides at 250 Genesis Drive, Port Matilda, PA 16870, is a qualified elector in Centre County.
2. Additional petitioner’s names and addresses are attached as Exhibit 3 and made part by this reference. Each of the named petitioners are Centre County registered voters qualified as electors in Centre County.

3. On April 23, 2024 the primary election was held in Centre County.

4. On April 25, 2024 the Centre County Election Board, contrary to Pennsylvania law and the ruling of the Pennsylvania Supreme Court, counted 95 mail-in ballots not dated on the outer envelope including 57 votes missing the year, 13 votes missing the day or month, 23 dates with the wrong date altogether and 2 votes with an unknown date error. The Centre County Board of Elections report is attached as Exhibit 1, Line G, including these numbers.

5. None of the 95 votes were permitted to be counted as set forth in Pennsylvania law 3156 P.S. §3146.6(a) which provides: "... The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election."

6. Respondent was aware of the Pennsylvania Supreme Court Decision in *Ball v. Chapman*, 289 A.3d <sup>1</sup>.

7. Respondent was also aware of the United States Court of Appeals Third Circuit opinion filed on March 27, 2024, *Pa. State Conf. Of NAACP Branches v. Secy' Pa.*, 204 U.S. App. Lexis 7300. <sup>1</sup>

8. Despite actual knowledge the State Statute as upheld by the Pennsylvania Supreme Court and the Federal Third Circuit Court, 95 votes which were not eligible to be counted were counted by the Respondent.

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<sup>1</sup>The Centre County Solicitor, Betsy DuPuis, is listed as an attorney in the *Ball* case and the *Third Circuit Court of Appeals* case.

9. By counting the votes, it made it impossible to remove those votes as the ballots were removed from the envelopes.

10. The Respondent acknowledged the 95 votes and the date deficiencies which they counted as set forth on Exhibit 1 , Box G, which is attached and made part of by this reference.

11. Respondents were advised in person of their error by Petitioners' attorney at the Respondent's meeting on April 30, 2024 at which time the Petitioners' attorney provided the Respondent with Exhibit 2, which is attached and made part by this reference.

12. Despite actual knowledge of the law in the Commonwealth of Pennsylvania, 95 invalid votes were counted by the Respondent by confirming the vote count on May 6, 2024 thereby depriving or diminishing the value of voters who voted in conformance with Pennsylvania law.

13. Respondent has not agreed they will not continue to violate Pennsylvania law by continuing to count improperly dated mail ballots in violation of the Pennsylvania Statute as confirmed by the Pennsylvania Supreme Court and the Federal Third Circuit Court.

14. If allowed to continue, the unlawful actions of the Respondent will deprive future lawful Pennsylvania voters from having their vote count against only those who properly voted.

WHEREFORE, Petitioners respectfully requests this Honorable Court enter an Order granting the Petitioners' request that 2024 election results not be certified and all future elections the Respondent will reject all mail-in ballots not in compliance with Pennsylvania law specifically 3156 P.S. §3146(a) which provides: "... The elector shall then fill out, date and sign the declaration printed on such envelope. Such envelope shall then be securely sealed and the

elector shall send same by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.”

Respectfully submitted:

GLANTZ, JOHNSON & ASSOCIATES

Dated: 5-6, 2024

BY:



Louis T. Glantz, Esquire  
1901 E. College Ave.  
State College, PA 16801  
(814) 238-2491  
Attorney for Michelle M. Schellberg,  
et al., Petitioners  
*[louis.glantz@gmail.com](mailto:louis.glantz@gmail.com)*

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**VERIFICATION**

I, Michelle M. Schellberg, hereby states that she is one of the petitioners in this action and that the statements of fact made in the foregoing document are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. §4904 relating to unsworn falsification to authorities.

Dated: May 6, 2024

Michelle M. Schellberg  
Michelle M. Schellberg

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**CERTIFICATE OF COMPLIANCE**

I certify that 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.

Submitted by: Glantz Johnson & Associates

Signature: \_\_\_\_\_

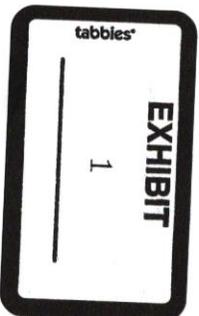
Name: Louis T. Glantz, Esquire

Attorney No.: 31657

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<b>April 23, 2024 General Primary</b>										
<b>CATEGORY</b>		<b>4/25/2024</b>			<b>4/30/2024</b>			<b>Final Count</b>		
		<b>Total</b>	<b>Count</b>	<b>Reject</b>	<b>Total</b>	<b>Count</b>	<b>Reject</b>	<b>Total</b>	<b>Count</b>	<b>Reject</b>
<b>A</b>	During the Unboxing and Verification process, <b>Outer Envelope</b> was not listed on SURE report.									
<b>B</b>	<b>Outer Envelope</b> does not contain an Inner Envelope <b>AND</b> does not contain a ballot.									
<b>C</b>	<b>Outer Envelope</b> contains a ballot not contained in an Inner Envelope (a.k.a. "Naked" Ballot).	23	1	22				23	1	22
<b>D</b>	<b>Outer Envelope</b> has no voter signature.	17	0	17				17	0	17
<b>E</b>	<b>Outer Envelope</b> was flagged for signature issue.	4	4	0				4	4	0
<b>F</b>	<b>Outer Envelope</b> has no voter provided date.									
<b>G</b>	<b>Outer Envelope</b> has Date Issue - Incorrect date, birth date, not within date range 2: Should have been counted 57: Missing "24" Year 13: Missing day or month 23: Wrong date altogether	95	95	0				95	95	0
<b>H</b>	<b>Inner Envelope</b> was not an official secrecy envelope.									
<b>I</b>	<b>Inner Envelope</b> does not contain a ballot.									
<b>J</b>	<b>Envelope</b> was damaged/repared by voter.									
<b>K</b>	<b>Inner envelope</b> has text, mark, or symbol which reveals the identity of the voter, the voter's political affiliation (party), or the voter's candidate preference.									
<b>L</b>	<b>Precinct Box &amp; Reconciliation Issue</b>									
<b>M</b>	<b>Other:</b>	7	1	6				7	1	6
<b>N</b>	<b>Other: Voter needed ID</b>	2	HOLD	HOLD	2			2		
<b>TOTALS</b>		<b>148</b>	<b>101</b>	<b>45</b>				<b>148</b>		

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LAW OFFICES  
**GLANTZ, JOHNSON & ASSOCIATES**

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MARK F. LINGOUSKY  
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April 30, 2024

- 1) The Pennsylvania Department of State Memo dated November 3, 2022:

“For ballots which are determined to be undated or incorrectly dated, code that ballot as CANC - NO SIGNATURE within the SURE system.”

- 2) The Pennsylvania Supreme Court decision, Ball v. Chapman, 289 A.3d 1 (filed 2-8-2023)

The Pennsylvania Election Code “renders ballot invalid” for failure to date on the return envelope. The Court did not render a decision on Federal materiality.

- 3) Pennsylvania Statute 25 P.S. §3146.6 (a) “ The elector shall fill out, date and sign the declaration printed on such envelope...”

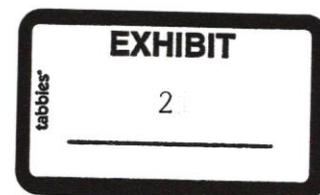
- 4) United States Court of Appeals Third Circuit opinion filed March 27, 2024. Pa. State Conf. of NAACP Branches v. Sec’y Pa., 2024 U.S. App. Lexis 7300

### “Overview”

Holdings:[1]- the date requirement for casting mail in ballot in 25 P.S. §3150.16(a) was not covered by, and thus did not violate, the materiality provision of the Civil Rights Act of 1964..... under Pennsylvania law, 25 P.S. §3150.16 (a), noncompliant ballots including ballots that failed to provide a date on the return envelope, were invalid but Section 3150.16(a) did not violate the materiality provision because it did not deny the right to vote.”

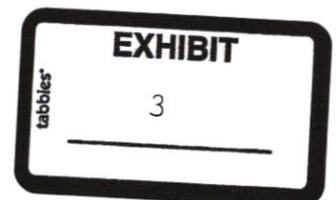
### Conclusion

Absentee ballots which are undated, incorrectly dated, or unsigned, are invalid under Pennsylvania law which has been affirmed by the Pennsylvania Supreme Court and the Federal Third Circuit.



The following join in this Petition all being qualified registered voters in Centre County

	Printed name	Signature	Address
1	JODY REESE	Jody Reese	235 Copper Leaf Ln State College, PA
2	Josiah M Lowery	Josiah M Lowery	150 Holtzinger Lane <sup>Jebson</sup> Pa. 16844
3	LINDA S LOWERY	LINDA S LOWERY	150 Holtzinger Lane <sup>Jebson</sup> Pa. 16844
4	Nancy Reese	Nancy Reese	235 Copper Leaf Ln State College PA
5	Mihály Sogor	Mihály Sogor	115 Old houseville Rd state college PA
6	THORESE HOLLER	Theresa Holler	1954 PURDUE MT RD, BELLEFONTE, PA
7	Phyllis Austin	Phyllis Austin	530 N. Allegheny ST. Bellefonte Pa
8	Dianne Showers	Dianne Showers	1459 Willowbrook Dr. Boalsburg, PA
9	David Showers	David Showers	1459 Willowbrook Dr. Boalsburg, PA
10	LARRY A PARKS	Larry Parks	167 NORMAN AVE, PLEASANT GAP PA
11	LEAH E. COLL	Leah E. Coll	90 Darrich Ct. PO BOX NATILDA, PA
12	Deborah D Lintz	Deborah D Lintz	1447 Willowbrook Dr. Boalsburg PA
13	Thomas B Rishel	Thomas B Rishel	159 Valley View PL Bellefonte
14	Gregory S. Herrold	Gregory S Herrold	3053 Sheffield Dr, <sup>State</sup> College, PA
15	Al Tahalla	Al Tahalla	1266 Ridge Rd, Claranco, PA
16	Bruce Russell	Bruce Russell	240 Portland Circle, Box 727 Lemont PA 16851
17	Mary C. Haupt	Mary C. Haupt	514 E. High St Bellefonte PA 16823
18	Ronald E Hollen	Ronald E Hollen	1954 Purdue Mt Rd Bellefonte Pa 16823



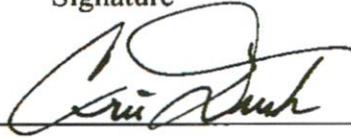
The undersigned, being an elected official representing portions of Centre County but not a resident or registered voter in Centre County express my support of this Petition but not as a party.

Printed name

Signature

Elected Position

Cris Dush



Senator PA-25 and As  
Candidate PA Senate Dist. 25

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