

IN THE COURT OF COMMON PLEAS
OF ERIE COUNTY, PENNSYLVANIA

PENNSYLVANIA DEMOCRATIC PARTY,
510 N. Third Street, Harrisburg, PA 17101

Plaintiff,

v.

ERIE COUNTY BOARD OF ELECTIONS,

Defendant.

Civil Action No. 12666-24

**COMPLAINT SEEKING MANDAMUS RELIEF TO ENFORCE PROVISIONS OF THE
ELECTION CODE AND INJUNCTIVE RELIEF TO ADDRESS FAILURE TO DO SO**

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim and relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**BAR ASSOCIATION
LAWYER REFERRAL AND
INFORMATION SERVICE**

Erie County, Erie: (814) 459-4411

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**ASOCIACION DE LICENCIADOS
SERVICIO DE REFERENCIA E
INFORMACION LEGAL**

Erie County, Erie: (814) 459-4411

Plaintiff the Pennsylvania Democratic Party (“PDP,” or “Plaintiff”), by undersigned counsel, as and for their Complaint Seeking Mandamus Relief to Enforce Provisions of the Election Code and Injunctive Relief to Address Failure to Do So, avers:

INTRODUCTION

1. This is an action seeking to enforce the applicable provisions of the Election Code relating to mail-in voting and ensure that registered Pennsylvania voters may exercise their fundamental right to vote in the 2024 Election. The Complaint seeks mandamus relief in enforcing the Erie County Board of Elections’ (“BOE”) compliance with the Pennsylvania Election Code (“Election Code”) and equitable and injunctive relief to remedy the failure of its vendor, Election IQ (the “Vendor”) and the BOE to meet the requirements of the Election Code.

2. The BOE has encountered numerous issues related to the mail-in voting process as a result of failures of one of its Vendors. *See* Matthew Rink, *Erie County voters waiting for ballots should get them soon. What caused the delay?*, Erie Times-News, Oct. 24, 2024, available at <https://www.goerie.com/story/news/politics/elections/2024/10/24/election-ballots-delayed-erie-county-voters-receive-soon-usps-pittsburgh/75830990007/>, attached as Exhibit A [hereinafter Rink, *Erie County Delays*]; *see also* Taylor Hall, *Nearly 300 duplicate ballots incorrectly sent to Erie voters after vendor's addressing system fails*, WPXI Pittsburgh, Oct. 22, 2024, available at <https://www.wpxi.com/news/local/nearly-300-duplicate-ballots-incorrectly-sent-erie-voters-after-vendors-addressing-system-fails/E5XTI4KOLNAOHG72LOKAZ26GCA/>, attached as Exhibit B [hereinafter Hall, *Erie Duplicate Ballots*]. Upon information and belief, the United States Post Office has been unable to account for approximately 1,800 ballots.

3. Upon information and belief, it appears that 10,000 to 20,000 voters who requested mail-in ballots have not received or submitted such ballots. Further, upon information

and belief, over 300 voters received two mail-in ballots, one of which may have not correlated to the local races for which that voter is eligible to vote.

4. These Vendor issues have caused registered voters substantial delays and hardships in casting ballots in the 2024 Election, potentially violating the right to vote of numerous electors.

5. With election day one week away, the BOE has not yet properly addressed these issues, and these issues threaten to disenfranchise thousands of registered voters from casting ballots in the 2024 Election.

6. Further, the BOE is apparently providing inaccurate information to voters of their options and failing to take appropriate action to remedy a significant breakdown in operations associated with the General Election scheduled for November 5, 2024.

7. The PDP seeks injunctive relief precisely tailored to ensure that all affected voters may exercise their fundamental right to vote in the upcoming election.

PARTIES

8. The PDP is a political party dedicated to improving the lives of the citizens of Pennsylvania by working to elect individuals who share its values.

9. The PDP is the Democratic National Committee's coordinate party within the Commonwealth and is the largest political party by registration in Pennsylvania.

10. As of October 28, 2024, 3,991,381 registered voters in Pennsylvania are members of the PDP. See *Voting & Election Statistics*, PA DEP'T OF STATE, available at <https://www.pa.gov/en/agencies/dos/resources/voting-and-elections-resources/voting-and-election-statistics.html> (last visited October 28, 2024). In Erie County, Pennsylvania, 73,682 registered voters are members of the PDP.

11. The PDP is a “major political party” as defined in the Pennsylvania Election Code at 25 P.S. § 2601, and regularly nominates individuals for Pennsylvania’s federal, state, and local office in each general, midterm, and municipal election.

12. The PDP has dedicated significant resources to encourage its supporters and constituents to vote, including by mail. *See* Decl. of Mitch Kates, Ex. C.

13. Defendant BOE is duly authorized by 25 P.S. § 2641(a) to have jurisdiction over the conduct of Election and general elections in Erie County, Pennsylvania.

JURISDICTION AND VENUE

14. This Court has jurisdiction and venue over this action because Erie County is the county in which the cause of action arose, and the matters described involve the application of the Pennsylvania Election Code.

FACTS

The Pennsylvania Election Code

15. Under the Election Code, the BOE has “jurisdiction over the conduct of primaries and elections in [Erie] county.” 25 P.S. 2641(a).

16. The BOE is required to administer mail-in ballots upon voter request for use in the 2024 Election. 25 P.S. § 3150.15 (“The county board of elections, upon receipt and approval of an application filed by a qualified elector under section 1301-D, shall commence to deliver or mail official mail-in ballots as soon as a ballot is certified and the ballots are available.”)

17. Upon information and belief, the printed mail-in ballots were available for distribution to voters prior to October 9, 2024, and the BOE is required “to deliver or mail official mail-in ballots *not later than the second Tuesday prior to the primary or election.*” *Id.* (emphasis added).

18. The Election Code further provides that mail-in ballots, files, and applications for ballots are public records that shall be made publicly available upon request. *See* 25 P.S. § 3150.17(a), (c).

2024 Election

19. Upon information and belief, the BOE contracted with Vendor to distribute approved mail-in ballots to voters.

20. Upon information and belief, due to Vendor's various failures, as of October 28, 2024, 315 incorrect ballots were sent to voters registered in Erie County. *See* Decl. of Mary Gibson, Ex. D.; *see also* Hall, *Erie Duplicate Ballots*.

21. At least some of these incorrect ballots listed candidates for Pennsylvania State House races applicable to different election districts than those in which voters were registered. *See* Decl. of Homer Mosco, Ex. E.

22. The BOE has claimed that letters were sent to voters affected, but the PDP has not been made aware of any voter having received such correspondence, nor has the Board of Elections shared that correspondence. *Id.*

23. The BOE has not publicly released the names of the affected voters to ensure that those affected voters cast the correct ballot in their respective election districts in the 2024 Election.

24. Additionally, upon information and belief, Vendor's failures coupled with ongoing delays with the United States Postal Service have caused substantial delays in delivering mail-in ballots to voters. Decl. of Erie County Voters, Ex. F; *see also* Rink, *Erie County Delays*.

25. The PDP has been made aware by its registered party members of numerous instances where a voter requested a mail-in ballot weeks ago but has still not received their ballot from the BOE. *See* Ex. F.

26. The BOE has not publicly released the names of the voters whose ballots have been delayed and has not provided for adequate mechanisms by which voters can submit their mail-in ballots on time¹.

27. As of October 28, 2024, 40,844 mail-in applications have been approved in Erie County. *See Elections Data, PA Dep't of State, <https://www.pa.gov/en/agencies/vote/elections/elections-data.html>* (last visited October 28, 2024).

28. However, only 21,536 ballots have been returned. *Id.* This amounts to a return rate of 52% percent, 15 percentage points below the state average return rate of 67% percent, and among the lowest in the Commonwealth. *Id.*

29. Further, upon information and belief, the United States Postal Service has no record of having received 1,800 mail-in ballots from Vendor and is in the process of trying to locate these ballots. At minimum, then, 1,800 voters' mail-in ballots have been lost and will not be delivered to the individual voters for use in the 2024 Election.

30. Upon information and belief, the BOE—through Erie County Clerk Karen Chillcott—has advised voters that they may email the Erie County Voter Registration Office and

¹ The United States Postal Service issued guidance on October 28, 2024 that “If a ballot is due on Election Day, the Postal Service recommends mailing the ballot by this Tuesday (October 29).” U.S. Postal Service National Release, *U.S. Postal Service is Ready to Deliver the Nation's Election Mail*, Oct. 28, 2024, available at <https://about.usps.com/newsroom/national-releases/2024/1028-us-postal-service-is-ready-to-deliver-the-nations-election-mail.htm>. [hereinafter USPS Release].

request that their mail-in ballot be cancelled so that a new ballot may be sent via priority express mail. *See Rink, Erie County Delays.*

31. However, voters must submit this cancellation request via email by October 29, 2024, only one day after the guidance was issued. *Id.*

32. Assuming that voters follow this cancellation process, their new mail-in ballot would be received, at the earliest, on Wednesday, October 30th.

33. Further assuming that the voter mails their ballot in the same day, this timing is still one day after the suggested deadline for voters to mail their mail-in ballots issued by the United States Postal Service. *See USPS Release.*

34. Given Erie County's ongoing delays with the timely delivery of mail, such a "remedy" still threatens to disenfranchise voters whose mail-in ballots will not be received by 8:00pm on Election Day.

**Count I – Action in Mandamus and Injunctive Relief
The 315 Voters who Received Incorrect Ballots**

35. Plaintiff incorporates the allegations of paragraphs 1-34 as if set forth fully herein.

36. As a result of Vendor's failures, the BOE has sent out over 315 incorrect mail-in ballots to voters in Erie County.

37. Voters who have received an incorrect ballot have not been notified by the BOE of the error, nor have they been advised by the BOE of the proper procedure to ensure that their mail-in ballot is counted in the appropriate election district in the 2024 Election. *See Ex. E.*

38. The BOE has declined the PDP's request to produce the names of the affected voters despite the Election Code's clear guidance that mail-in ballots, files, and applications for ballots are public records that shall be made publicly available upon request. *See 25 P.S. § 3150.17(a), (c).*

39. Additionally, the BOE has not set forth a clear mechanism by which it will ensure that voters' ballots are counted in the appropriate election district.

40. By such actions, Defendant has caused and will continue to cause Plaintiff and its member voters to suffer immediate and irreparable injury and actual damages for which Plaintiff has no adequate remedy at law. Without redress by this Court, Plaintiff and its member voters will be deprived of a lawful, full, and fair election. Immediate and effective relief is essential to ensure that the election currently in progress is fairly conducted pursuant to the laws cited above.

41. Denying relief would inflict greater injury on Plaintiff than granting the requested relief would inflict on the Defendant.

42. Issuance of an injunction granting relief to Plaintiff will not substantially harm Defendant. A preliminary injunction will properly restore the parties to their status as it existed prior to the wrongful conduct described herein.

43. The public interest weighs heavily in favor of entry of an injunction designed to protect the right to a full and fair election.

44. The relief Plaintiff seeks is reasonably suited to abate the offending activity.

45. Plaintiff has no reason to believe that the wrongful conduct alleged above will cease unless enjoined.

WHEREFORE, Plaintiff asks this Court to enter an injunction in Plaintiff's favor and against the Defendant and ask the Court to:

- a. Enter a special and/or preliminary injunction ordering that the BOE:
 - i. Immediately release the names of all affected voters who received duplicate or incorrect ballots;

- ii. Immediately release any and all correspondence which the BOE has sent or provided to affected voters; and
 - iii. Agree to a process whereby the BOE, with representatives of the PDP (and any other major political party that so requests) observe the opening of the duplicate ballots from voters who received and submitted such a ballot. If the ballot reflects all races and referendum for which the voter was entitled to vote, it shall be counted in full; if the ballot does not reflect the races and referendum to which the voter was entitled to vote, it otherwise shall be counted only as to the races that the voter would have been entitled to vote. In all cases, votes cast for the President, U.S. Senate, Congress, Statewide Offices, and State Senate shall be counted.
- b. Award Plaintiff costs, interest and attorney's fees; and
 - c. Grant such other and further relief that this Court deems equitable, just, and appropriate.

**Count II – Action in Mandamus and Injunctive Relief
The Estimated 19,308 Voters with Outstanding Mail-in Ballots**

- 46. Plaintiff incorporates the allegations of paragraphs 1-45 as if set forth fully herein.
- 47. Upon information and belief, as a result of Vendor's failures and delays with the postal service, as many as 19,308 approved mail-in ballots have not been delivered to voters in Erie County requesting such ballots and other ballots were provided belatedly. Matthew Rink, *Your mail-in ballot still hasn't arrived? What can be done*, Erie Times-News, Oct. 29, 2024, available at <https://www.goerie.com/story/news/politics/elections/2024/10/29/election-mail-ballots-delay-erie-voters-waiting-application-deadline-looms/75907134007/>, attached as Exhibit

G.

48. Upon information and belief, the BOE has not informed these affected voters of the delay, nor provided any guidance to these voters to ensure that their mail-in ballots are timely received and counted or that they otherwise cast a ballot that will be counted in the November 2024 general election. *See* Ex. F.

49. In fact, the BOE apparently is providing inaccurate information to voters. Although the deadline for first requesting a mail-in ballot is October 29, 2024, a voter who has timely requested a mail-in ballot is entitled to go to the BOE and receive the ballot they requested (if they have not already) or and request a replacement ballot and may fill in that ballot and immediately deliver it to the BOE, after first placing the ballot in the secrecy envelope and outer envelope. The BOE is required to accept that completed mail-in ballot until Tuesday, November 5, 2024 at 8:00pm. However, the BOE is advising voters that they are not able to obtain a mail-in ballot even if they met the application deadline.

50. As of October 28, 2024, only 21,536 mail-in ballots have been returned of the 40,844 mail-in applications approved in Erie County. *See Elections Data*, PA Dep't of State, <https://www.pa.gov/en/agencies/vote/elections/elections-data.html> (last visited October 28, 2024).

51. Erie County's mail-in ballot return rate trails the state average by over 15 points (52% in Erie County versus 67% statewide.) *Id.*

52. Additionally, upon information and belief, 1,800 mail-in ballots sent by Vendor to the Post Office have been lost and will not be delivered to the respective voters approved to receive them.

53. These 1,800 voters will not receive mail-in ballots and, even if located, will not receive mail-in ballots in a timely manner to exercise their fundamental right to vote, and therefore must vote by provisional ballot on Election Day.

54. Requiring thousands of voters to submit provisional ballots on Election Day will place a heavy burden on polling locations not equipped to handle this volume of provisional ballots—resulting in likely delays for all voters and the potential for a polling place to run out of the necessary provisional ballots.

55. Because provisional ballots can be disqualified based on technical requirements even when voters are improperly instructed by the judge of elections—see *In re Canvass of Provisional Ballots in 2024 Primary Election*, 322 A.3d 900 (Pa. 2024)—forcing these voters to cast provisional ballots guarantees that many will be doubly disenfranchised, even assuming they are able to vote in person in Erie County on Election Day.

56. In addition, it is not clear that the BOE has planned for a surge of provisional voters or contemplated the impact of delays on Election Day.

57. The BOE has not set forth a clear mechanism by which it will ensure that voters will receive their mail-in ballots in the time set forth in the Election Code of “not later than the second Tuesday prior to the primary or election.” 25 P.S. § 3150.15.

58. Further, the BOE has refused to release the names of the affected voters to the PDP as required by the Election Code. See 25 P.S. § 3150.17(a), (c).

59. By such actions, Defendant has caused and will continue to cause Plaintiff to suffer immediate and irreparable injury and actual damages for which Plaintiff has no adequate remedy at law. Without redress by this Court, Plaintiff will be deprived of a lawful, full, and fair election. Immediate and effective relief is essential to ensure that the election currently in progress is fairly conducted pursuant to the laws cited above.

60. The BOE allows voters to cancel their mail-in ballot requests with the form attached as Exhibit H. Unfortunately, given the ongoing delays with the postal service, it is not feasible for

these voters who have not received a mail-in ballot in a timely manner to mail a "Request to Cancel My Ballot Request" form to the Erie County Board of Elections before Election Day. *See* Ex. H; *see also* USPS Release (recommending voters mail their mail-in ballots by October 29, 2024 for receipt on Election Day).

61. Given the delays in delivering mail-in ballots to thousands of voters, adequate remedies must be put in place to protect the constitutional right of these voters to vote and to ensure an orderly election process will occur on November 5, 2024.

62. The BOE prepares printable polling books identifying each registered voter and those who have a pending mail-in ballot application.

63. Upon information and belief, that printed polling book is finalized by Friday, November 1, 2024 ("Polling Book Deadline.")

64. This Court should declare that all voters who applied for mail-in ballots, did not submit a ballot by the Polling Book Deadline, and affirmed to the CBE or the Election Judge their desire to cancel their late sent or never received mail ballot, shall be permitted to vote on voting machines as if they had canceled their mail-in ballot application.

65. The BOE shall segregate all mail-in ballots received after the Polling Book Deadline.

66. After Election Day, the BOE, with observers from the major political parties and their represented candidates under the Election Code, shall compare the segregated mail-in ballot with the voting register and shall count all such votes in mail-in ballots received before November 5, 2024 at 8:00pm unless the register indicates that the voter voted in person.

67. The BOE has had overflow lines at its office in the Erie County Courthouse.

68. Given the extraordinary delays in sending mail-in ballots—and failures to do so in many instances—it is imperative that the BOE remain open until November 4, 2024 for purposes of receiving the dropped off mail-in ballots and allowing voters who timely applied for mail-in ballots to receive a ballot to deposit on site at the BOE in the dropbox.

69. The BOE should be directed to establish firm hours and notify the public.

70. The BOE should be directed to cease providing misinformation that voters cannot request these ballots.

71. The BOE should be directed to remain open to the public from 8:00am until 9:00pm on weekdays and from 9:00am-5:00pm on weekends through November 4, 2024.

72. Denying relief would inflict greater injury on Plaintiff than granting the requested relief would inflict on the Defendant.

73. Issuance of an injunction granting relief to Plaintiff will not substantially harm Defendant. A preliminary injunction will properly restore the parties to their status as it existed prior to the wrongful conduct described herein.

74. The public interest weighs heavily in favor of entry of an injunction designed to protect the right to a full and fair election and ensure that every voter may cast a vote.

75. The relief Plaintiff seeks is reasonably suited to abate the offending activity.

76. Plaintiff has no reason to believe that the wrongful conduct alleged above will cease unless enjoined.

WHEREFORE, Plaintiff asks this Court to enter an injunction in Plaintiff's favor and against the Defendant and ask the Court to:

- a. Enter a special and/or preliminary injunction ordering that the BOE:

- i. Release the names of all affected voters who have been approved for a mail-in ballot but have not yet received one;
- ii. Release the names of all voters among the 1,800 voters for whom the USPS has no record of having received for delivery a mail-in ballot;
- iii. Release the names of all voters for whom the BOE has reason to believe did not receive their mail-in ballots until on or after October 22, 2024, after the time at which such ballots are required to have been mailed or delivered under 25 P.S. § 3150.15.
- iv. Declare that all voters who applied for mail-in ballots but did not submit a ballot by the Polling Book Deadline shall be permitted to cancel said ballot or ballot application via the Request to Cancel My Ballot Request form, affirm that they have not voted by mail-in ballot, and vote on voting machines;
- v. Provide that thirty (30) blank Request to Cancel My Ballot Request forms are available in each polling district and ensure that these forms are available throughout Election Day;
- vi. Ensure an adequate number of provisional ballots are available at all polling locations in Erie County to accommodate voters who requested, but did not timely receive, mail-in ballots and will be required to vote provisionally;
- vii. Provide for overnight ballot delivery for out-of-state residents who vote by mail-in ballot;
- viii. Segregate all mail-in ballots received after the Polling Book Deadline;

- ix. Following Election Day, allow observers from the major political parties and their represented candidates under the Election Code to compare the segregated mail-in ballot with the voting register and count all votes within mail-in ballots received before November 5, 2024 at 8:00pm unless the register indicates that the voter voted in person; and
 - x. Establish firm hours to remain open to the public from 8:00am until 9:00pm on weekdays and from 9:00am-5:00pm on weekends through November 4, 2024 and notify the public of these hours.
 - xi. Allow those voters who requested a mail-in ballot on or before October 29, 2024 to appear in person to receive a mail-in ballot and submit the completed ballot to the BOE; and
 - xii. Publicize the hours of the BOE and the availability to order a mail-in ballot if the voter timely applied and to submit the completed ballot in the dropbox at the BOE.
- b. Award Plaintiff costs, interest and attorney's fees; and
 - c. Grant such other and further relief that this Court deems equitable, just, and appropriate.

Respectfully submitted,

By: /s/ Timothy D. McNair

MCNAIR LAW OFFICES, PLLC
Timothy D. McNair (PA ID No. 34304)
821 State Street
Erie, PA 16501-1316
Phone: (814) 452-0700
Email: tmcnair@mcnairlaw.com

DENTONS COHEN & GRIGSBY, P.C.
Clifford B. Levine (PA ID No. 33507)
Kevin C. Harkins (PA ID No. 59915)
Jonathan P. Sion (PA ID No. 334062)
625 Liberty Avenue
Pittsburgh, PA 15222
Phone: (412) 297-4900
Email: clifford.levine@dentons.com
kevin.harkins@dentons.com
jon.sion@dentons.com

Dated: October 30, 2024
5056134

*Attorneys for Plaintiff, the Pennsylvania
Democratic Party*

VERIFICATION

I, Mitch Kates, am the Executive Director of the Pennsylvania Democratic Party. I certify that I am authorized to sign legal documents on behalf of the Pennsylvania Democratic Party and that I have read the above **COMPLAINT**. The statements set forth therein are true and correct to the best of my personal knowledge, information, and belief. This statement and verification are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to be 'MK' with a stylized flourish at the end.

Date: 10/29/2024

By: _____
Mitch Kates, Executive Director
Pennsylvania Democratic Party

CERTIFICATE OF COMPLIANCE

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.

Submitted by: Pennsylvania Democratic Party

Signature: /s/ Timothy D. McNair

Name: Timothy D. McNair

Attorney No.: 34304

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Complaint Seeking Mandamus Relief to Enforce Provisions of the Election Code and Injunctive Relief to Address Failure to Do So has been served this 30th day of October, 2024 via email upon:

Erie County Board of Elections
c/o Thomas Talarico, Esq.
Solicitor for the Erie County Board of Elections
Erie County Courthouse
140 West Sixth Street, Room 112
Erie, PA 16501
ttalarico@nwpalawyers.com

Counsel for Erie County Board of Elections

Kathleen A. Gallagher
The Gallagher Firm, LLC
436 Seventh Avenue, 30th Floor
Pittsburgh, PA 15219
kag@gallagherlawllc.com
Thomas W. King, III
Dillon, McCandless, King, Coulter & Graham, LLP
128 W. Cunningham Street
Butler, PA 16001
tking@dmkcg.com

Counsel for the Pennsylvania Republican Party

/s/ Timothy D. McNair