

**IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY,  
PENNSYLVANIA**

**DONALD J. TRUMP FOR PRESIDENT CIVIL DIVISION  
2024 INC., ET AL.**

Plaintiffs,

No. 2024-06880

v.

**BUCKS COUNTY BOARD OF  
ELECTION EL AL.**

Defendants.

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, 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 or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs, Donald J. Trump for President 2024, Inc., Republican National Committee, Republican Party of Pennsylvania, David McCormick, Friends of Dave Campaign (collectively, "Plaintiffs") by and through their undersigned counsel, bring this Complaint seeking declaratory and injunctive relief, and in support thereof state as follows:

**INTRODUCTION**

Voters throughout Bucks County sought to request a mail-in ballot to vote in the 2024 General Election to vote "on-demand." Many, traveled to the Bucks County Bureau of Elections offices, only to be turned away, and forced by security to leave without applying for and obtaining a mail-in ballot, as is their right under the Pennsylvania Election Code. Plaintiffs bring the instant Complaint seeking to remedy the county's violation of the Election Code.

## JURISDICTION AND VENUE

1. This Court has original jurisdiction over this Complaint pursuant to 42 Pa. C.S. § 931(a)(1) and 65 Pa. C.S. § 715.

2. The Plaintiffs bring this action pursuant to the Declaratory Judgments Act, which empowers this Court “to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations.” 42 Pa. C.S. § 7541(a). The Declaratory Judgments Act permits “[a]ny person ... whose rights, status, or other legal relations are affected by a statute” to “have determined any question of construction or validity arising under the ... statute” and to “obtain a declaration of rights, status, or other legal relations thereunder.” 42 Pa. C.S. § 7533.

3. All Defendants are located in this County and the Court can exercise personal jurisdiction over them. 42 Pa. C.S. § 5301.

4. Venue exists in this Court because this action arose in Bucks County, and this is a suit against one or more political subdivisions located within Bucks County. Pa. R.Civ.P. 1006, 2103. Venue also exists pursuant to 65 Pa. C.S. § 715.

## PARTIES

5. Donald J. Trump for President 2024, Inc. (the “Trump Campaign”) is the principal committee for the reelection campaign of Donald J. Trump, the 45<sup>th</sup> President of the United States of America. President Trump is the Republican nominee for the office of the President of the United States of America in the upcoming November 5, 2024 General Election.

6. Former President Trump is a “candidate” as that term is defined in Election Code Section 102(a), 25 P.S. § 2602(a). See *Rowland v. Smith*, 83 Pa. D. & C. 99, 101-2 (Pa. Ct. Com. Pl. Dauphin 1952) (“candidate” under the Election Code includes one who is a candidate for nomination for President of the United States).

7. The Republican National Committee (“RNC”) is the national committee of the Republican Party as defined by 52 U.S.C. § 30101(14). The RNC manages the Republican Party’s business at the national level, including development and promotion of the Party’s national platform and fundraising and election strategies; supports Republican candidates for public office at all levels across the country, including those on the ballot in Pennsylvania; and assists state parties throughout the country, including the Republican Party of Pennsylvania, to educate, mobilize, assist, and turn out voters. The RNC has made significant contributions and expenditures in support of Republican candidates up and down the ballot and in mobilizing and educating voters in Pennsylvania in the past many election cycles and is doing so again in 2024. The RNC has a substantial and particularized interest in ensuring that Pennsylvania carries out free and fair elections.

8. The Republican Party of Pennsylvania is a major political party, 25 P.S. § 2831(a), and the “State committee” for the Republican Party in Pennsylvania, 25 P.S. § 2834, as well as a federally registered “State Committee” of the Republican Party as defined by 52 U.S.C. § 30101(15). The Republican Party of Pennsylvania on behalf of itself and its members nominates, promotes, and assists Republican candidates seeking election or appointment to federal, state, and local office in

Pennsylvania. It works to accomplish this purpose by, among other things, devoting substantial resources toward educating, mobilizing, assisting, and turning out voters in Pennsylvania. The Republican Party of Pennsylvania has made significant contributions and expenditures in support of Republican candidates up and down the ballot and in mobilizing and educating voters in Pennsylvania in the past many election cycles and is doing so again in 2024. The Republican Party of Pennsylvania has a substantial and particularized interest in ensuring that Pennsylvania carries out free and fair elections.

9. Plaintiff, David McCormick (“McCormick”), is the Republican nominee for United States Senator from the Commonwealth of Pennsylvania. As a candidate for office in the upcoming election, McCormick has an interest beyond the interest of other citizens and voters. McCormick has a substantial and particularized interest in ensuring that Pennsylvania carries out free and fair elections.

10. Friends of Dave McCormick (the “McCormick Campaign”) is the principal campaign committee for the election of McCormick as United States Senator from Pennsylvania.

11. Defendant Bucks County Board of Elections is an agency of the County established pursuant to the Election Code and Administrative Code. See 25 P.S. § 2641; Administrative Code § 1.10-1006 (the ‘Board”).

12. Defendant Robert J. Harvie, Jr. is a member of the Board and is sued in his official capacity.

13. Defendant Diane M. Ellis-Marseglia is a member of the Board and is sued in her official capacity.

14. Defendant Gene DiGirolamo is a member of the Board and is sued in his official capacity.

15. Defendant Tyler Burns is the Director of the Board and is sued in his official capacity.

### FACTUAL BACKGROUND

16. Under the bipartisan Act 77 the General Assembly enacted in 2019, any eligible voter is permitted to request and cast a mail-in ballot without having to provide a reason for doing so. *See* 25 P.S. §§ 3150.11-3150.17.

17. Pennsylvania law provides for two categories of voters who are permitted to vote by means other than voting in person at a polling location: absentee voters and mail-in voters.

18. In order to apply to vote by mail-in ballot a voter must complete and submit an application to their county board of elections. Such an application must include the voter's name, address of registration, proof of identification (such as a driver's license or non-driver ID card), and the last four digits of the voter's Social Security number. 25 P.S. §§ 3146.2, 3150.12; see also § 2602(z.5)(3) (defining "proof of identification").

19. "Qualified absentee electors" include, among others, people who are unable to vote in person due to a physical disability or illness, people who expect to be absent from the municipality of their residence on election day due to work, and

people who cannot vote in person because of observance of a religious holiday. 25 P.S. § 3146.1.1.

20. Any registered voter who does not qualify as an absentee voter may apply to submit their ballot by mail-in voting, without providing a justification. 25 P.S. §§ 3150.11–3150.12b; see Act. of Oct. 31, 2019, P.L. 552, No. 77. Such voters are known as “qualified mail-in electors.” 25 P.S. § 3150.11. 18.

21. Once a county board of elections receives an application for mail-in ballot from a voter, it is required to verify the voter’s identity and eligibility to vote. If the voter is found to be eligible to vote, the board then sends the voter a mail ballot package which includes: 1) the ballot; 2) an inner “secrecy envelope,” 3) an outer “declaration envelope,” and 4) comprehensive instructions for completing and submitting the ballot. *Id.* §§ 3146.6(a), 3150.16(a).

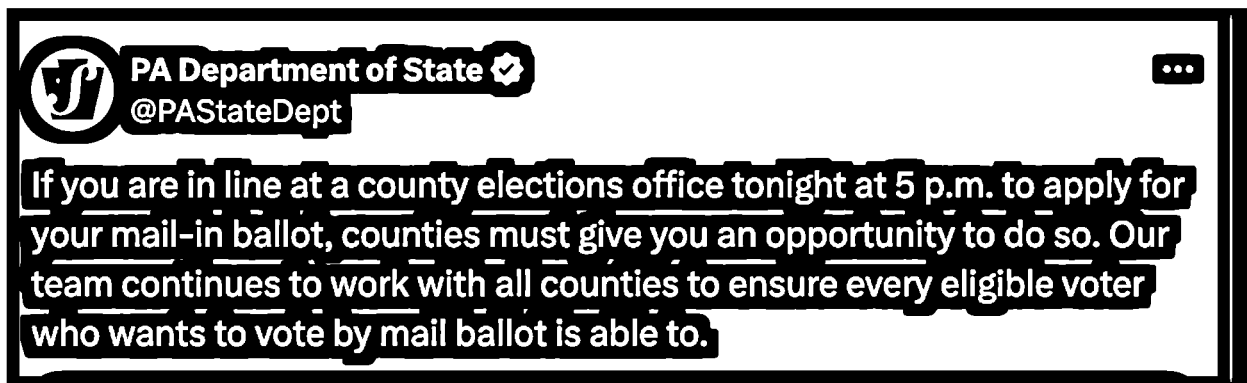
22. The same deadlines for requesting and submitting ballots apply to absentee voters and mail-in voters. The deadline for voters to apply for an absentee ballot or a mail-in ballot is “five o’clock P.M. [on] the first Tuesday prior to the day of any primary or election.” 25 P.S. §§ 3146.2a(a)3150.12a(a). For purposes of the upcoming November 5, 2024, General Election, the last day to apply for a mail-in ballot was 5:00 p.m. on October 29, 2024. (the “Application Date”).

23. To apply for an absentee or mail-in ballot, Pennsylvania voters have several options. One option is apply in person for, obtain, and return a mail-in ballot application at their county board of elections (“On Demand Mail-in-Ballot Option”). That is exactly what numerous voters in Bucks County—including Plaintiffs’

members and supporters—attempted to do. And they attempted to do so by the Application Date, even waiting in line for extended periods of time to exercise that statutorily guaranteed option.

24. Many other voters throughout the Commonwealth also attempted to do so as lines at many of the boards of election throughout the Commonwealth were extremely long often causing voters to wait for hours to do so. (cite to other reports of long lines).

25. In recognition of the right of a voter to exercise the On Demand Mail-in Ballot Option, despite the long lines, the Secretary of the Commonwealth took steps to assure voters that they would not be denied their right to exercise that statutory right. To that extent, the Secretary of the Commonwealth informed voters on October 29, 2024 of their right to travel to their county election bureau and request, and receive a mail-in ballot. Pennsylvania Department of State (@PAStateDept), X (October 29, 2024)<https://x.com/PAStateDept/status/1851307909281423406?s=01>. Secretary Schmidt expressly advised voters that those who were in line by 5:00 p.m. on October 29, 2024, should be permitted to apply for and receive a mail-in ballot, yet this is not what happened in Bucks County. *Id.*





26. Nonetheless, the Board denied voters the ability to their statutorily guaranteed On Demand Mail-In-Ballot Option.

27. There were several reports during the several days preceding the final day of On Demand Mail-in Ballot Option deadline of October 29th, that locations were turning away voters because of long lines and closing of sites earlier than posted hours where voters were told they would be able to exercise this option.

28. Indeed, the Board ordered persons who were waiting to apply for, receive, and vote a mail-in ballot without allowing the opportunity to even submit their applications. See Declarations at Ex. "A."

29. In doing so the Board acted in derogation of its obligations under the Election Code to process mail in ballot applications. Moreover, the Board's actions were in direct contravention of the October 29, 2024, statement of the Secretary of the Commonwealth.

30. Instead of complying with the letter and spirit of the Election Code, as well as the directive from the Secretary of the Commonwealth, the Board ordered security officials to remove voters who had arrived during posted operating hours and were in line prior to 5:00 p.m., some of whom had been standing in line for hours only to be turned away.

31. Thus, voters who, in good faith and in reliance upon the Board's obligation to process mail-in-ballot applications prior to 5:00 p.m. a week before

election day, were turned away by the Board and will be precluded from voting by mail-in ballot, as is their right under the Election Code.

**COUNT I**

**Violation of Section 3150.12(a) of the Election Code.**

32. Section 3150.12(a) of the Election Code mandates that, “Applications for mail-in ballots **shall** be processed if received not later than five o'clock p.m. of the first Tuesday prior to the day of any primary or election.” 25 P.S. §§3150.12(a) (emphasis added).

33. Such a reading of Section 3150.12(a) is consistent with the Secretary’s statement that voters who were in line by 5:00 p.m. on October 29, 2024 should be permitted to apply for and receive a mail-in ballot.

34. In other words, by appearing at one of the Board’s offices during posted operating hours and by the application deadline to exercise their On Demand Mail-in-Ballot Option, many of Plaintiffs’ members and supporters effectively attempted to apply for a mail in ballot by the application deadline but the Board refused to process the same.

35. The Board’s actions in doing so constitutes a violation of its obligations under Section 3150.12(a) of the Election Code.

### Prayer For Relief

WHEREFORE, Plaintiffs respectfully request this Honorable Court enter judgment in their favor and against Defendants, and:

- a) Declare that the Bucks County's actions in turning away voters who sought to apply for a mail-in ballot and receive one in person before the deadline of 5:00 p.m. on October 29, 2024 violated the Pennsylvania Election Code,
- b) Order the Bucks' County Board of Elections to permit any persons who wish to apply for and receive a mail-in ballot to appear at the Elections Bureau office and do so during normal business hours before the close of business on October 30, 2024.

Respectfully submitted,

*/s/ Walter S. Zimolong*

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*Attorney for Friends of Dave McCormick and David McCormick*

Dated: October 30, 2024

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**CERTIFICATE OF COMPLIANCE  
WITH PUBLIC ACCESS POLICY**

I certify that this filing complies with the provisions of the *Public Access Policy of the United 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.

Respectfully submitted,

/s/ Walter S. Zimolong

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October 30, 2024

RETRIEVED FROM PUBLIC ACCESS

**VERIFICATION**

I hereby aver that the statements of fact contained in the attached *Complaint for Declaratory and Injunctive Relief* are true and correct to the best of my knowledge and belief and are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

By:   
\_\_\_\_\_  
Republican Party of Pennsylvania

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## VERIFICATION

I, Matthew Gruda, as Campaign Manager for Friends of Dave McCormick, verify that that the facts contained in the foregoing are true and correct based upon my knowledge, information, and belief. However, while the facts are true and correct based upon my knowledge, information, and belief, the words contained in the foregoing are those of counsel and not mine. I understand that statements herein are made subject to the penalties set forth in 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

/s/ Matthew Gruda  
Matthew Gruda  
Campaign Manager  
Friends of Dave McCormick

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## VERIFICATION

I, David McCormick, verify that that the facts contained in the foregoing are true and correct based upon my knowledge, information, and belief. However, while the facts are true and correct based upon my knowledge, information, and belief, the words contained in the foregoing are those of counsel and not mine. I understand that statements herein are made subject to the penalties set forth in 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

/s/ David McCormick


David McCormick

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VERIFICATION


I hereby aver that the statements of fact contained in the attached *Complaint for Declaratory and Injunctive Relief* are true and correct to the best of my knowledge and belief and are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

By:   
\_\_\_\_\_  
Republican National Committee

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**VERIFICATION**

I hereby aver that the statements of fact contained in the attached *Complaint for Declaratory and Injunctive Relief* are true and correct to the best of my knowledge and belief and are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

By:   
Donald J. Trump for President, Inc.

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## DECLARATION

I, Terrence McDonald, am an adult individual of sound mind and aver as follows:

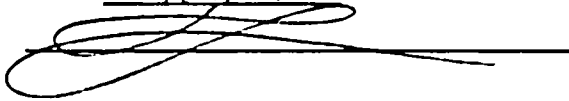
1. I am a registered and qualified elector residing in Bucks County, Pennsylvania.

2. On October 29th, 2024, at approximately 3 : 25 a.m./p.m., I arrived at the Lower Bucks Government Service Center/ Upper Bucks Government Service Center/ County Administration Building, to request, receive, vote, and submit a mailed-in ballot.

3. I was told by county officials I would not be able to request, receive, vote, and submit a mailed-in ballot and that I would have to return on a different day.

The facts above are true and correct to the best of my knowledge and belief are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)

Date: 10/29/24



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## DECLARATION

I, Joseph Pontarelli, am an adult individual of sound mind and aver as follows:

1. I am a registered and qualified elector residing in Bucks County, Pennsylvania.
2. On October 29, 2024, at approximately 2:45 p.m., I arrived at the Upper Bucks Government Service Center to request, receive, vote, and submit a mailed-in ballot.
3. I was told by county officials I would not be able to request, receive, vote, and submit a mailed-in ballot and that I would have to return on a different day.

The facts above are true and correct to the best of my knowledge and belief are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)

Date: October 29, 2024

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Case# 2024-06880-2 - JUDGE:39 Received at County of Bucks Prothonotary on 10/30/2024 10:43 AM, Fee = \$0.00. The filer certifies 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. E-Filed by: WALTER S. ZIMOLONG III, Esq.

DECLARATION

I, William Kell, am an adult individual of sound mind and

aver as follows:

1. I am a registered and qualified elector residing in Bucks County, Pennsylvania.
2. On October 29, 2024, at approximately 2:40 a.m./p.m., I arrived at the Lower Bucks Government Service Center/ Upper Bucks Government Service Center/ County Administration Building, to request, receive, vote, and submit a ballot-in ballot.
3. I was told by county officials I would not be able to request, receive, vote, and submit a mailed-in ballot and that I would have to return on a different day.

The facts above are true and correct to the best of my knowledge and belief and subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)

10/29/24  
Walter S. Zimolong III  
Esq.

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