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** Pro hac vice application
forthcoming*

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY,
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

IN RE: PROVISIONAL BALLOT
SUFFICIENCY DETERMINATION
AND PROVISIONAL BALLOT
CHALLENGE HEARING OF THE
NOVEMBER 5, 2024 ELECTION

Civil Division
November Term 2024
No. 02065

Statutory Appeal
Election Matter

PROPOSED ANSWER

Proposed Intervenors-Respondents DSCC and Bob Casey for Senate, Inc. (“Proposed Intervenors”), by and through their attorneys, submit the following Proposed Answer to Petitioners’ Petition for Review of the decision of the Philadelphia County Board of Elections on November 15, 2024, to count provisional ballots missing an election worker’s signature or other information on the provisional ballot affidavit in the November 5, 2024 General Election. Proposed Intervenors respond to the allegations in the Petition as follows:

1. Proposed Intervenors admit that the Board decided not to count certain provisional ballots due to the four categories identified by Petitioners, but Proposed Intervenors deny that any of the ballots at issue are “invalid.” Proposed Intervenors lack sufficient information to admit or deny the number of ballots included in each category identified by Petitioners.

2. Paragraph 2 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations.

3. Paragraph 3 contains mere characterizations, legal contentions, and conclusions to which no response is required.

4. Paragraph 4 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations.

5. Paragraph 5 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

6. Paragraph 6 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

7. Paragraph 7 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

JURISDICTION

8. Paragraph 8 contains legal conclusions to which no response is required.

PARTIES

9. Proposed Intervenor admit the allegations in Paragraph 9.

10. Proposed Intervenor admit the allegations in Paragraph 10.

11. Proposed Intervenor admit the allegations in Paragraph 11.

12. Proposed Intervenor admit the allegations in Paragraph 12.

13. Proposed Intervenor admit the allegations in Paragraph 13.

DECISION OF THE BOARD AT ISSUE

14. Proposed Intervenors admit the allegations in the first sentence of Paragraph 14. Proposed Intervenors but lack sufficient information to admit or deny the number of ballots at issue in each identified category.

15. Proposed Intervenors admit the allegations in Paragraph 15.

GROUND FOR APPEAL

16. Paragraph 16 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations.

17. Paragraph 17 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations.

18. Paragraph 18 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations.

19. Paragraph 19 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenors deny the allegations.

20. Paragraph 20 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

21. Proposed Intervenor deny the allegations in Paragraph 21.

22. Paragraph 22 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

23. Paragraph 23 contains mere characterizations, legal contentions, and conclusions to which no response is required.

24. Paragraph 24 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

25. Paragraph 25 contains mere characterizations, legal contentions, and conclusions to which no response is required. To the extent a response is required, Proposed Intervenor deny the allegations.

PRAYER FOR RELIEF

Proposed Intervenor deny that Petitioners are entitled to any relief.

GENERAL DENIAL

Proposed Intervenor deny every allegation in the Compliant that is not expressly admitted herein.

AFFIRMATIVE DEFENSES

26. Petitioners' claim is barred because they seek relief inconsistent with the plain text of the Pennsylvania Election Code.

27. Petitioners' claim is barred because they seek relief inconsistent with the Free and Equal Elections Clause of the Pennsylvania Constitution.

28. Petitioners' claim is barred because they seek relief inconsistent with the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

29. Petitioners' claim is barred because, contrary to Petitioners' allegations, the decision of the Board to count the provisional ballots at issue is consistent with the U.S. Constitution and the Pennsylvania Constitution.

Dated: November 18, 2024

Respectfully submitted,

/s/ Adam C. Bonin

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Counsel for Proposed Intervenors DSCC and Bob Casey for Senate, Inc.

**CERTIFICATE OF COMPLIANCE WITH CASE RECORDS 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.

/s/ Adam C. Bonin
Adam C. Bonin, PA 80929

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, I caused a true and correct copy of this document to be served on all counsel of record.

/s/ Adam C. Bonin
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