

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

REPUBLICAN NATIONAL
COMMITTEE; NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE; NATIONAL
REPUBLICAN CONGRESSIONAL
COMMITTEE; REPUBLICAN
PARTY OF PENNSYLVANIA;
DAVID BALL; JAMES D. BEE;
DEBRA A. BIRO; JESSE D.
DANIEL; GWENDOLYN MAE
DELUCA; ROSS M. FARBER;
CONNOR R. GALLAGHER; LYNN
MARIE KALCEVIC; LINDA S.
KOZLOVICH; WILLIAM P.
KOZLOVICH; VALLERIE
SICILIANO-BIANCANIELLO; S.
MICHAEL STREIB,

Petitioners,

v.

LEIGH M. CHAPMAN, in her official
capacity as Acting Secretary of the
Commonwealth; JESSICA MATHIS,
in her official capacity as Director of
the Pennsylvania Bureau of Election
Services and Notaries; ADAMS
COUNTY BOARD OF ELECTIONS;
ALLEGHENY COUNTY BOARD OF
ELECTIONS; ARMSTRONG
COUNTY BOARD OF ELECTIONS;
BEAVER COUNTY BOARD OF
ELECTIONS; BEDFORD COUNTY
BOARD OF ELECTIONS; BERKS
COUNTY BOARD OF ELECTIONS;
BLAIR COUNTY BOARD OF
ELECTIONS; BRADFORD COUNTY

No. _____ MD 2022

**PETITION FOR REVIEW
DIRECTED TO COURT'S
ORIGINAL JURISDICTION
SEEKING DECLARATORY AND
INJUNCTIVE RELIEF**

Filed on behalf of Petitioners

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BOARD OF ELECTIONS; BUCKS
COUNTY BOARD OF ELECTIONS;
BUTLER COUNTY BOARD OF
ELECTIONS; CAMBRIA COUNTY
BOARD OF ELECTIONS;
CAMERON COUNTY BOARD OF
ELECTIONS; CARBON COUNTY
BOARD OF ELECTIONS; CENTRE
COUNTY BOARD OF ELECTIONS;
CHESTER COUNTY BOARD OF
ELECTIONS; CLARION COUNTY
BOARD OF ELECTIONS;
CLEARFIELD COUNTY BOARD OF
ELECTIONS; CLINTON COUNTY
BOARD OF ELECTIONS;
COLUMBIA COUNTY BOARD OF
ELECTIONS; CRAWFORD
COUNTY BOARD OF ELECTIONS;
CUMBERLAND COUNTY BOARD
OF ELECTIONS; DAUPHIN
COUNTY BOARD OF ELECTIONS;
DELAWARE COUNTY BOARD OF
ELECTIONS; ELK COUNTY
BOARD OF ELECTIONS; ERIE
COUNTY BOARD OF ELECTIONS;
FAYETTE COUNTY BOARD OF
ELECTIONS; FOREST COUNTY
BOARD OF ELECTIONS;
FRANKLIN COUNTY BOARD OF
ELECTIONS; FULTON COUNTY
BOARD OF ELECTIONS; GREENE
COUNTY BOARD OF ELECTIONS;
HUNTINGDON COUNTY BOARD
OF ELECTIONS; INDIANA
COUNTY BOARD OF ELECTIONS;
JEFFERSON COUNTY BOARD OF
ELECTIONS; JUNIATA COUNTY
BOARD OF ELECTIONS;
LACKAWANNA COUNTY BOARD
OF ELECTIONS; LANCASTER

COUNTY BOARD OF ELECTIONS;
LAWRENCE COUNTY BOARD OF
ELECTIONS; LEBANON COUNTY
BOARD OF ELECTIONS; LEHIGH
COUNTY BOARD OF ELECTIONS;
LUZERNE COUNTY BOARD OF
ELECTIONS; LYCOMING COUNTY
BOARD OF ELECTIONS; MCKEAN
COUNTY BOARD OF ELECTIONS;
MERCER COUNTY BOARD OF
ELECTIONS; MIFFLIN COUNTY
BOARD OF ELECTIONS; MONROE
COUNTY BOARD OF ELECTIONS;
MONTGOMERY COUNTY BOARD
OF ELECTIONS; MONTOUR
COUNTY BOARD OF ELECTIONS;
NORTHAMPTON COUNTY BOARD
OF ELECTIONS;
NORTHUMBERLAND COUNTY
BOARD OF ELECTIONS; PERRY
COUNTY BOARD OF ELECTIONS;
PHILADELPHIA COUNTY BOARD
OF ELECTIONS; PIKE COUNTY
BOARD OF ELECTIONS; POTTER
COUNTY BOARD OF ELECTIONS;
SCHUYLKILL COUNTY BOARD
OF ELECTIONS; SNYDER COUNTY
BOARD OF ELECTIONS;
SOMERSET COUNTY BOARD OF
ELECTIONS; SULLIVAN COUNTY
BOARD OF ELECTIONS;
SUSQUEHANNA COUNTY BOARD
OF ELECTIONS; TIOGA COUNTY
BOARD OF ELECTIONS; UNION
COUNTY BOARD OF ELECTIONS;
VENANGO COUNTY BOARD OF
ELECTIONS; WARREN COUNTY
BOARD OF ELECTIONS; WAYNE
COUNTY BOARD OF ELECTIONS;
WESTMORELAND COUNTY

BOARD OF ELECTIONS;
WYOMING COUNTY BOARD OF
ELECTIONS; and YORK COUNTY
BOARD OF ELECTIONS,

Respondents.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

REPUBLICAN NATIONAL
COMMITTEE, *et al.*,

No. _____ MD 2022

Petitioners,

v.

LEIGH M. CHAPMAN, in her official
capacity as Acting Secretary of the
Commonwealth, *et al.*,

Respondents.

NOTICE TO PLEAD

To Respondents:

You are hereby notified to file a written response to the enclosed Petition for Review within thirty (30) days from service hereof or a judgment may be entered against you.

Dated: September 1, 2022

/s/ Kathleen A. Gallagher

Kathleen A. Gallagher

Russell D. Giancola

Gallagher Giancola LLC

Counsel for Petitioners

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

REPUBLICAN NATIONAL COMMITTEE, <i>et al.</i> , Petitioners, v. LEIGH M. CHAPMAN, in her official capacity as Acting Secretary of the Commonwealth, <i>et al.</i> , Respondents.	No. _____ MD 2022
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**PETITION FOR REVIEW
DIRECTED TO COURT’S ORIGINAL JURISDICTION
SEEKING DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Petitioners support and seek to uphold free and fair elections on behalf of all Pennsylvanians. For that reason, Petitioners bring this suit to ensure that the upcoming 2022 general election and future elections are conducted in accordance with the rules that the General Assembly has prescribed by law. Unfortunately, several County Boards of Elections (“Boards”), acting on their own initiative, are departing from those rules in a crucial area of election administration. The result is a lack of transparency, unequal treatment of otherwise identical ballots based upon the county in which the voter resides, and an erosion of public trust and confidence in the integrity of Pennsylvania’s elections at a vital moment in the Nation’s and the Commonwealth’s history.

2. In 2020, the Pennsylvania Supreme Court unanimously held that “the Election Code provides procedures for casting and counting a vote by mail” but does not provide for a notice and opportunity to cure procedure (“cure procedure”) for a voter who fails to comply with the requirements for voting by mail or absentee. *Pa. Democratic Party v. Boockvar*, 238 A.3d 345, 374 (Pa. 2020).

3. The Supreme Court further stated that “[t]o the extent that a voter is at risk of having his or her ballot rejected” due to failure to comply with the Election Code’s signature and secrecy ballot requirements for mail-in and absentee ballots, “the decision to provide a ‘notice and opportunity to cure’ procedure to alleviate that risk is one best suited for the Legislature.” *Id.*

4. The Supreme Court “express[ed] this agreement particularly in light of the open policy questions attendant to that decision, including what the precise contours of the procedure would be, how the concomitant burdens would be addressed, and how the procedure would impact the confidentiality and counting of ballots, all of which are best left to the legislative branch of Pennsylvania’s government.” *Id.*

5. The Legislature has addressed the issue of when Boards may provide notice and an opportunity to cure a non-compliant mail-in or absentee ballot. The Election Code currently provides a cure procedure in only a limited circumstance: “[f]or those absentee ballots or mail-in ballots for which proof of identification has

not been received or could not be verified.” 25 P.S. § 3146.8(h). And even in that circumstance, the voter may cure only the lack of proof of identification and not any other defect. *See id.*

6. Earlier this year, the Legislature passed a bill to implement a broad cure procedure, but Governor Wolf vetoed it. Accordingly, lack of verification of identification remains the only circumstance under which Boards are authorized to provide a cure opportunity.

7. Despite the Election Code’s plain text and the Supreme Court’s clear holding, and the veto by the Governor of the bill enacted by the Legislature to implement a cure procedure, several Boards, without legal authority, have developed and implemented cure procedures for the 2022 general election and beyond.

8. These Boards’ development and implementation of cure procedures exceed the Boards’ authority under state law and the Election Code. These Boards have, in effect, usurped the exclusive legislative authority of the General Assembly in contravention of the Pennsylvania Supreme Court’s holding.

9. Moreover, these Boards’ actions purport to regulate the “manner” in which federal elections are conducted, in violation of the General Assembly’s plenary delegated authority to “prescribe” the “Manner” of such elections under the Elections Clause of Article 1, Section 4 of the United States Constitution.

10. The untenable consequences of these Boards' usurpation of the General Assembly's legislative and federal constitutional authority are difficult to overstate. For one thing, the Boards that have adopted cure procedures have not all disclosed that fact—let alone the particulars of those procedures—to the public, creating confusion and a lack of transparency in election administration.

11. The selective and varying adoption of cure procedures by some Boards has created an unequal playing field. Depending on the county in which voters reside, some receive notice and an opportunity to cure a ballot defect while others receive no such notice of or opportunity to cure an identical ballot defect. Moreover, the Boards that have adopted cure procedures on their own initiative have not uniformly adopted the *same* procedure. The result is a lack of statewide uniformity in both the existence and—where they do exist—the particulars of cure procedures.

12. The Court should restore transparency, fundamental fairness, and integrity to Pennsylvania's elections by upholding the plain text of the Election Code and the clear holding of the Pennsylvania Supreme Court and declaring that county boards of elections may not adopt cure procedures other than as the General Assembly has expressly provided in the Election Code.

JURISDICTION AND VENUE

13. This Court has original jurisdiction over this Petition for Review under 42 Pa. C.S. § 761(a)(1) because this matter is asserted against Commonwealth officials in their official capacities.

14. Petitioners 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.

PARTIES

A. Republican Committees

15. The Republican National Committee (the “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 turnout voters. The RNC made significant contributions and expenditures in support of Republican candidates up and down the ballot and in mobilizing and educating voters in Pennsylvania in past election cycles and is doing so again in 2022. These efforts include devoting substantial time and resources toward monitoring of the voting and vote counting process in Pennsylvania and to ensure it is conducted lawfully. The RNC makes expenditures to ensure it and its voters understand the rules governing the elections process, including applicable dates, deadlines, and requirements for voting by mail or absentee. These efforts require a uniform application of the law and a clear and transparent understanding of mail voting requirements, including any allowances for notice and opportunity to cure procedures. The RNC has a substantial and particularized interest in ensuring that Pennsylvania administers free and fair elections.

16. The National Republican Congressional Committee (the “NRCC”) is the national congressional committee of the Republican Party as defined by 52 U.S.C. § 30101(14). The NRCC’s mission is to elect Republican candidates to the U.S. House of Representatives from across the United States, including from Pennsylvania’s eighteen congressional districts. The NRCC works to accomplish its mission in Pennsylvania by, among other things, providing direct and indirect financial contributions and support to candidates and other Republican Party

organizations; providing technical and research assistance to Republican candidates and Party organizations; engaging in voter registration, voter education and voter turnout programs; and other Republican party-building activities. The NRCC made significant contributions and expenditures in support of Republican House candidates and in mobilizing and educating voters in Pennsylvania in past election cycles and is doing so again in 2022. These efforts include devoting substantial time and resources toward monitoring of the voting and vote counting process in Pennsylvania and to ensure it is conducted lawfully. The NRCC makes expenditures to ensure it and its voters understand the rules governing the elections process, including applicable dates, deadlines, and requirements for voting by mail or absentee. These efforts require a uniform application of the law and a clear and transparent understanding of mail voting requirements, including any allowances for notice and opportunity to cure procedures. The NRCC has a substantial and particularized interest in ensuring that Pennsylvania carries out free and fair elections.

17. The National Republican Senatorial Committee (the “NRSC”) is the national senatorial committee of the Republican Party as defined by 52 U.S.C. § 30101(14). The NRSC’s mission is to elect Republican candidates to the U.S. Senate from across the United States, including Pennsylvania. The NRSC works to accomplish its mission in Pennsylvania by, among other things, providing direct and

indirect financial contributions and support to candidates and other Republican Party organizations; providing technical and research assistance to Republican candidates and Party organizations; engaging in voter registration, voter education and voter turnout programs; and other Republican party-building activities. The NRSC made significant contributions and expenditures in support of Republican Senate candidates and in mobilizing and educating voters in Pennsylvania in past election cycles and is doing so again in 2022. These efforts include devoting substantial time and resources toward monitoring of the voting and vote counting process in Pennsylvania and to ensure it is conducted lawfully. The NRSC makes expenditures to ensure it and its voters understand the rules governing the elections process, including applicable dates, deadlines, and requirements for voting by mail or absentee. These efforts require a uniform application of the law and a clear and transparent understanding of mail voting requirements, including any allowances for notice and opportunity to cure procedures. The NRSC has a substantial and particularized interest in ensuring that Pennsylvania carries out free and fair elections.

18. Petitioner Republican Party of Pennsylvania (“RPP”) 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). RPP, 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 on an ongoing basis to accomplish this purpose by, among other things, devoting substantial resources toward turning out voters in Pennsylvania and informing them of the legal requirements as adopted by the Legislature for voting. RPP has made significant contributions and expenditures in support of Republican statewide, district, and local candidates in past election cycles and is doing so again in 2022. These efforts include devoting substantial time and resources toward monitoring of the voting and vote counting process in Pennsylvania and to ensure it is conducted lawfully. RPP makes expenditures to ensure it and its voters understand the rules governing the elections process, including applicable dates, deadlines, and requirements for voting by mail or absentee. These efforts require a uniform application of the law and a clear and transparent understanding of mail voting requirements, including any allowances for notice and opportunity to cure procedures. RPP has a substantial and particularized interest in ensuring that Pennsylvania carries out free and fair elections.

19. The various approaches taken by the counties regarding cure procedures are not routinely published and thus not readily known to the RPP, RNC, NRSC, or NRCC or even voters themselves. Thus, the ability of the RPP, RNC, NRSC, and the NRCC to educate voters regarding the cure procedures is thwarted.

B. Voter Petitioners

20. Petitioner David Ball resides in Washington County, Pennsylvania and is a registered Pennsylvania elector who consistently votes in each election.

21. Petitioner James D. Bee resides in Cambria County, Pennsylvania and is a registered Pennsylvania elector who consistently votes in each election.

22. Petitioner Debra A. Biro resides in Northampton County, Pennsylvania is a registered Pennsylvania elector who consistently votes in each election.

23. Petitioner Jesse D. Daniel resides in Indiana County, Pennsylvania and is a registered Pennsylvania elector who consistently votes in each election.

24. Petitioner Gwendolyn Mae DeLuca resides in Beaver County, Pennsylvania and is a registered Pennsylvania elector who consistently votes in each election.

25. Petitioner Ross M. Farber resides in Westmoreland County, Pennsylvania, and is a registered Pennsylvania elector who consistently votes in each election.

26. Petitioner Connor R. Gallagher resides in Allegheny County, Pennsylvania, and is a registered Pennsylvania elector who consistently votes in each election.

27. Petitioner Lynn Marie Kalcevic resides in Beaver County, Pennsylvania and is a registered Pennsylvania elector who consistently votes in each election.

28. Petitioner Linda S. Kozlovich resides in Fayette County, Pennsylvania and is a registered Pennsylvania elector who consistently votes in each election.

29. Petitioner William P. Kozlovich resides in Fayette County, Pennsylvania and is a registered Pennsylvania elector who consistently votes in each election.

30. Petitioner Vallerie Siciliano-Biancaniello resides in Delaware County, Pennsylvania and is a registered Pennsylvania elector who consistently votes in each election.

31. Petitioner S. Michael Streib resides in Butler County, Pennsylvania and is a registered Pennsylvania elector who consistently votes in each election.

32. Each of the Voter Petitioners regularly votes in both primary and general elections and intends to vote for candidates in all races on their respective ballots in the upcoming general election, including but not limited to the races for United States Senate, United States House of Representatives, Pennsylvania Senate and Pennsylvania House of Representatives.

33. The implementation of cure procedures by some Boards absent any directive to do so under the Election Code has interfered with Voter Petitioners' right to "equal elections."

34. Moreover, the unauthorized cure procedures implemented by some Boards have had and will have the result of counting votes that should not have been counted due to the voter's failure to comply with signature and secrecy ballot requirements for mail-in and absentee ballots. As a result, the votes validly cast by Voter Petitioners have been and will be canceled out and diluted by the counting of ballots in violation of the Election Code.

35. Petitioners thus find themselves in the same factual setting as existed in 2020 when *Pa. Democratic Party* was filed: an election landscape where Boards throughout the state operate under different rules, particularly with respect to whether to implement cure procedures, and if so, how.

36. Insofar as the Pennsylvania Supreme Court made clear in *Pa. Democratic Party* that the solution to this lack of uniformity could not be resolved by the Court mandating a cure procedure for all counties to follow, and because Governor Wolf vetoed the General Assembly's attempt to implement a uniform cure procedure, Petitioners thus seek the mirror-image form of relief: the Court should enjoin the Boards from using any cure procedures that are not expressly set forth in the Election Code.

C. Respondents

37. Respondent Leigh M. Chapman is the Acting Secretary of the Commonwealth and is sued in her official capacity only. In that capacity, Acting Secretary Chapman must “receive from county boards of elections the returns of primaries and elections,” “canvass and compute the votes cast for candidates,” proclaim the results of such primaries and elections,” and “issue certificates of election to the successful candidates at such elections.” *See* 25 P.S. § 2621(f); *see also* 25 P.S. § 3159.

38. Respondent Jessica Mathis is the Director for the Bureau of Election Services and Notaries and is sued in her official capacity only. In that capacity, Director Mathis oversees the Election Services and Voter Registration divisions of the Pennsylvania Department of State. The Bureau of Election Services and Notaries is responsible for planning, developing, and coordinating the statewide implementation of the Election Code. *See* <https://www.dos.pa.gov/about-us/Pages/Director-Bureau-of-Elections-and-Notaries.aspx>.

39. Each of the 67 County Boards of Elections in Pennsylvania are also named as Respondents. Boards of Elections “have jurisdiction over the conduct of primaries and elections in such count[ies].” *Id.* at § 2641(a). The Boards of Elections’ powers are set forth under the Election Code. *See* 25 P.S. § 2642.

FACTUAL ALLEGATIONS

A. Act 77 Requirements for Absentee and Mail-In Ballots.

40. The expanded use of mail-in voting authorized under Act 77 has amply revealed a lack of statewide standards for the canvassing and counting of mail-in ballots.

41. Under the Pennsylvania Election Code, voters casting an absentee or mail-in ballot are required to: (1) place their marked ballots in a sealed envelope (“secrecy envelope”), (2) place the secrecy envelope inside a second envelope, which is marked with a “declaration of the elector” form, (3) “fill out” and “sign the declaration printed on such envelope,” and (4) return the ballot by 8:00 p.m. on election day. 25 P.S. § 3146.6(a); § 3150.16(a).

42. If a voter fails to comply with these requirements, the voter’s absentee or mail-in ballot must be set aside and not counted. 25 P.S. § 3146.8; *Pa. Democratic Party*, 238 A.3d 345.

B. Providing Any Cure Procedure for Non-Compliant Ballots Is the Exclusive Province of The General Assembly.

43. Just two years ago, the Pennsylvania Democratic Party sought an injunction to *require* Boards of Election to contact electors whose mail-in or absentee ballots contained facial defects and to provide those electors with an opportunity to cure the same. *See Pennsylvania Democratic Party v. Boockvar*, No. 407 MD 2020 (Commw. Ct.).

44. There, citing the Free and Equal Elections Clause, PA. CONST. art. I, § 5, and the Court’s “broad authority to craft meaningful remedies,” *League of Women Voters v. Commonwealth*, 178 A.3d 737, 822 (Pa. 2018), the Pennsylvania Democratic Party argued that the Court should require the Boards of Elections to implement a “notice and opportunity to cure procedure” for mail-in and absentee ballots that voters have filled out incompletely or incorrectly.

45. In that case, the Secretary of the Commonwealth *opposed* the relief sought by the Pennsylvania Democratic Party, arguing that “so long as a voter follows the requisite voting procedures, he or she ‘will have equally effective power to select the representative of his or her choice.’” *Pa. Democratic Party*, 238 A.3d at 373 (quoting *League of Women Voters*, 178 A.3d at 809). Moreover, the Secretary noted that logistical policy decisions implicated in a cure procedure are more properly addressed by the Legislature, not the Courts. *Id.*

46. The Supreme Court unanimously agreed. It held that “[w]hile the Pennsylvania Constitution mandates that elections be “free and equal,” it leaves the task of effectuating that mandate to the Legislature.” *Id.* It further noted that “although the Election Code provides the procedures for casting and counting a vote by mail [ballot], it does not provide for the ‘notice and opportunity to cure’ procedure sought by the Petitioner.” *Id.*

47. Importantly, the Supreme Court further agreed that “the decision to provide a ‘notice and opportunity to cure’ procedure to alleviate that risk [of a voter having his or her ballot rejected due to minor errors] is one best suited for the Legislature.” *Id.* It reasoned that the Legislature was best positioned to resolve the “open policy questions” attendant with a notice and opportunity to cure procedure, including “what the precise contours of the procedure would be, how the concomitant burdens would be addressed, and how the procedure would impact the confidentiality and counting of ballots.” *Id.*

C. The Election Code Provides Only a Limited Notice and Opportunity to Cure, and Governor Wolf Recently Vetoed an Expansion of Ballot Curing.

48. The General Assembly has addressed cure procedures and has provided only a limited opportunity for voters to cure a non-compliant mail-in or absentee ballot.

49. In particular, the Election Code currently provides a cure procedure in only one circumstance: “[f]or those absentee ballots or mail-in ballots for which proof of identification has not been received or could not be verified.” *See* 25 P.S. § 3146.8(h).

50. This procedure provides that if proof of a voter’s identification is received and verified prior to the sixth day following the election, the Board shall canvass the absentee or mail-in ballot. *Id.* § 3146.8(h)(2).

51. No other cure procedure exists in the Election Code.

52. After *Pa. Democratic Party* was decided, the Legislature considered and even passed legislation requiring a cure procedure for non-compliant mail-in and absentee ballots. See House Bill 1300, Printer's Number 1869, § 1308(g)(2)(iv), (v) (2021).

53. Governor Wolf vetoed House Bill 1300.

54. As a result, the Election Code remains as it existed in 2020 when *Pa. Democratic Party* was decided: without a cure procedure for absentee or mail-in ballots that lack a required signature or secrecy envelope.

55. The Secretary of the Commonwealth has acknowledged this fact, providing in its answer to "Frequently Asked Questions":

How do I know if my ballot was accepted or counted?

Under current Pennsylvania law, your mail-in ballot can't be opened until Election Day. Therefore, **if there's a problem with your mail-in ballot, you won't have the opportunity to correct it before the election.** Still, as long as you followed all the instructions and mailed your completed, signed, dated, and sealed in the inner secrecy envelope, ballot by Election Day, you don't have to worry.

Pennsylvania Department of State, *Mail and Absentee Ballot*, at

<https://www.vote.pa.gov/voting-in-pa/pages/mail-and-absentee-ballot.aspx>

(emphasis added).

D. Boards Are Not Free to Create Their Own Cure Procedures.

56. Although *Pa. Democratic Party* answered the question of whether the Court could *require* the Boards to implement a notice and opportunity to cure provision, the answer of whether Boards were free to create their own such policies is equally clear under Pennsylvania law.

57. Under the Election Code, the Boards “shall exercise, in the manner provided by this act, all powers granted to them by this act, and shall perform all the duties imposed upon them by this act.” 25 P.S. § 2642.

58. Section 2642 enumerates several duties the Boards must perform. *See id.* § 2642(a)–(p).

59. Notably absent from the list is the development and implementation of cure procedures.

60. In fact, § 2642 makes clear that the Boards lack the authority to implement their own cure procedures.

61. For example, Boards are required to “instruct election officers in their duties ... and to inspect systematically and thoroughly the conduct of primaries and elections in the several election districts of the county to the end that primaries and elections may be honestly, efficiently, and **uniformly** conducted.” *Id.* § 2642(g) (emphasis added).

62. Further, the limited rulemaking authority granted to the Boards does not extend to cure procedures.

63. Rather, Boards are authorized only “[t]o make and issue such rules, regulations and instructions, not inconsistent with law, as they may deem necessary for the guidance of voting machine custodians, elections officers and electors.” *Id.* § 2642(f); *accord PG Publ. Co. v. Aichele*, 902 F. Supp. 2d 724, 761 (W.D. Pa. 2012) (holding that § 2642(f) “extends only to the promulgation of rules that are ‘not inconsistent with law.’”).

64. Cure procedures adopted by Boards are “inconsistent with law” because the Election Code spells out the limited availability of such procedures and does not authorize Boards to expand them. *See, e.g., Pa. Democratic Party*, 238 A.3d at 374.

E. Nevertheless, Some Boards Provide Notice and Opportunities to Cure Defective Absentee or Mail-In Ballots.

65. Publicly available information and investigation have revealed that some Boards allow voters to “cure” noncompliant ballots, following protocols of their own design.

66. For example, in 2020, during the course of an appeal regarding its response to a Right to Know Law request, the Bucks County Board of Elections admitted that it implemented the following “cure” protocol which included sending postcards to the voters and allowing voters to sign and date their ballot envelope:

Generally speaking, we receive mail-in/absentee ballots during the election season, for those missing a signature or date, we allow them to be “cured.” BOE sends a postcard out to voters on ballots needing to be cured. Last year’s version is attached. We send those postcards out up to the day before the election. We also send our list of voters with problems to the parties if they request them. We update the list each day to allow the parties to contact them on election day if necessary. To cure ballots, voters travel to BOE and either sign or date their ballots and then resubmit them to the BOE. If a voter is unable to cure the problematic ballot, they can file a provisional ballot at their poll on election day. Any cured mailed-in/absentee ballots received at 8 PM on election day are not accepted.

See Email from Daniel D. Grieser, dated August 1, 2022, and a copy of the postcard used by Bucks County is attached as **Exhibit A**.

67. Bucks County also contacted both political parties and forwarded the list of voters it had sent the postcard to in the event either party wished to reach out to the voters in order to assist them in curing their ballot.

68. Similarly, the Montgomery County Board of Elections implemented its own protocol to contact voters and allow for them to cure ballots in the 2020 General Election.

69. Its protocol included emailing certain voters to alert them of the defect or defects in their absentee or mail-in ballot. Montgomery County Board of Elections workers also attempted to speak to such voters utilizing a script. The Montgomery County Board of Elections then afforded such voters the opportunities that included but were not limited to: coming to the Board of Elections’ office to “correct an incomplete declaration;” canceling their absentee or mail-in ballot and replacing it

in person; or canceling their absentee or mail-in ballot and replacing it by email using a form on the Montgomery County Board of Elections website. *See* Montgomery County Right to Know Law Response, attached as **Exhibit B** (October 27, 2020 email from Sarah Batipps (pp. 24-25).

70. Upon information and belief, the Philadelphia Board has implemented its own cure procedure, which includes providing information that voters' mail-in or absentee ballot will not count because it was returned without a signature on the declaration envelope or because the Philadelphia Board determined the ballot lacks a secrecy envelope without opening the declaration envelope. Voters whose ballots would be canceled for these defects were instructed that they could vote by provisional ballot or request a replacement ballot at a satellite election office. *See* Office of Philadelphia City Commissioners, *Cancelled Ballot Notification Information*, at https://www.philadelphiavotes.com/en/home/item/1873-cancelled_ballot_notification_info (as of November 1, 2020), a copy of which is attached as **Exhibit C**.

71. Still other counties have previously opined that curing is not permissible under the Election Code, but nevertheless have agreed to begin implementing cure procedures in future elections.

72. For example, the solicitor for the Northampton County Board of Elections stated that Northampton's solicitor had opined that "we are prohibited

from contacting voters: to cure defective ballots, such as those which are missing the secrecy envelope.” See **Exhibit D** (October 6, 2020 Amy Cozze email, p. 35).

73. But in conjunction with a stipulated settlement agreement reached in *Bausch v. Lehigh County Board of Elections, et al.* in the United States District Court for the Eastern District of Pennsylvania at Civil Action No. 5:22-cv-02111, the Northampton County Board of Elections agreed that for future elections, it would:

- Include messaging to Northampton County voters emphasizing the importance of providing contact information including a notice on the Northampton County Voter Registration website;
- Provide notice to a voter who returns mail-in ballots and absentee ballots without a secrecy envelope (known as “Naked Ballots”); and
- Provide the names of all voters whose Naked Ballots are discovered prior to 8:00 p.m. on Election Day to the party and/or candidate representative(s) who are on-site during pre-canvassing so that the party representative(s) can notify the voters.

See Northampton County Board of Elections Stipulated Settlement Agreement, attached hereto as **Exhibit E**.

74. The Lehigh County Board of Elections entered into a similar agreement, which included additional obligations:

- Explore in good faith the acquisition of a ballot sorter that has the capability to either weigh return ballots or measure their thickness so that voters can be notified of possible Naked Ballots. If feasible, such a ballot sorter shall be purchased and in operation as soon as possible;

- Explore in good faith the legality of the Office notifying voters if, upon receipt of their ballot, the Office believes (without opening or tampering with the envelope or the ballot) that the voter may have submitted a Naked Ballot. If feasible, this practice shall be implemented in advance of the November 2022 General Election.

See Lehigh County Board of Elections Stipulated Settlement Agreement, attached hereto as **Exhibit F**.

75. The Acting Secretary was a party in the *Bausch* litigation, and upon information and belief, was made aware of the Stipulated Settlement Agreements involving the Northampton and Lehigh Boards, but has taken no action to stop the unauthorized cure procedures.

76. The Stipulated Settlement Agreements involving the Northampton and Lehigh County Boards run afoul not only of Pennsylvania law, but also the Secretary's acknowledgment that "if there's a problem with your mail-in ballot, you won't have the opportunity to correct it before the election." Pennsylvania Department of State, *Mail and Absentee Ballot*, at <https://www.vote.pa.gov/voting-in-pa/pages/mail-and-absentee-ballot.aspx>. The Secretary was a party in the *Bausch* action in which the Stipulated Settlement Agreements were reached, but was not a party to the Stipulated Settlement Agreements.

77. Meanwhile, other Boards do not allow for any notice and opportunity to cure non-compliant ballots.

78. Some Boards are transparent and explicit in their adherence to the Election Code and the Supreme Court's holding in *Pa. Democratic Party*. For example, the Lancaster Board provides on its website, stating in relevant part:

Once a ballot has been recorded as received by the County, there is not a legal procedure for the County to return it to the voter or for the voter to alter it for any reason.

Lancaster County, *Frequently Asked Questions About Mail-in Ballots*, at <https://www.co.lancaster.pa.us/1351/FAQs-of-MAIL-IN-BALLOTS>.

79. Moreover, communications among the Directors of the Boards of Elections reveal that several other Boards have not provided any opportunity for voters to cure non-compliant absentee or mail-in ballots.

80. For example, the Executive Director of the Franklin County Board of Elections noted in an email:

I know that voters are not entitled to notice and an opportunity cure minor defects resulting from failure to comply with statutory requirements for vote by mail but I am curious if any counties are planning on reaching out to voters by email, phone or mail whenever a defect is detected.

See **Exhibit G** (October 6, 2020 email from Jean C. Byers, p. 34).

81. Other Boards have not implemented cure protocols, including the Mifflin County Board of Elections, the Wyoming County Board of Elections, and the Allegheny County Board of Elections.

82. Thus, whether voters who cast a non-compliant mail-in ballot will be afforded an opportunity to cure the defect depends entirely on the county in which they reside. In other words, mail-in and absentee ballots with identical defects are receiving unequal treatment based solely on the voter's residency.

83. Moreover, the likelihood of the voter receiving notice of his or her non-compliant ballot depends not only on the voter's county of residence, but also whether that voter is registered with a political party, when the ballot is returned to the Board, and whether "time allows" for some Boards to provide such notice.

84. Further, the permissible methods of cure vary even across those counties which afford voters the opportunity to cure.

85. The result is a lack of transparency, unequal treatment of otherwise identical ballots based upon the county in which the voter resides, and an erosion of public trust and confidence in the integrity of Pennsylvania's elections.

COUNT I

DECLARATORY JUDGMENT THAT UNDER PENNSYLVANIA LAW, THE BOARDS ARE PROHIBITED FROM DEVELOPING AND IMPLEMENTING CURE PROCEDURES NOT EXPRESSLY CREATED BY THE GENERAL ASSEMBLY

86. Petitioners incorporate by reference all preceding paragraphs of this Petition as if fully set forth herein.

87. The Election Code does not set forth a procedure by which Boards are permitted to provide electors with notice and an opportunity to cure their mail-in or absentee ballots that fail to comply with 25 Pa. C.S. §§ 3146.6(a) or 3150.16(a).

88. The Pennsylvania Supreme Court agrees, having already made clear that the Election Code “does not provide for [a] ‘notice and opportunity to cure’ procedure” outside narrow circumstances and that “the decision to provide a ‘notice and opportunity to cure’ procedure to alleviate the risk [of minor errors causing a ballot to be rejected] is one best suited for the Legislature.” *Pa. Democratic Party*, 238 A.3d at 374.

89. Since *Pa. Democratic Party*, the Legislature has not enacted any law allowing for a cure procedure.

90. The Boards have only limited rulemaking authority under the Election Code.

91. To the extent certain counties have developed and implemented cure procedures, such are “inconsistent with law,” and are thus void *ab initio*. See *Bank of New York Mellon v. Johnson*, 121 A.3d 1056, 1060 (Pa. Super. 2015) (“When a prothonotary enters judgment without authority, that judgment is *void ab initio*.”).

92. The decision of some Boards to develop and implement their own cure procedures without authorization under the Election Code is unlawful.

WHEREFORE, Petitioners respectfully request this Honorable Court declare that the development and implementation of cure procedures by Boards violates Pennsylvania law and is prohibited.

COUNT II

DECLARATORY JUDGMENT THAT ADOPTION OF ANY CURE PROCEDURES FOR FEDERAL ELECTIONS NOT EXPRESSLY AUTHORIZED BY THE GENERAL ASSEMBLY VIOLATES THE ELECTIONS CLAUSE OF THE UNITED STATES CONSTITUTION

93. Petitioners incorporate by reference all preceding paragraphs of this Petition as if fully set forth herein.

94. The Elections Clause of the United States Constitution directs: “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.” U.S. CONST. art. I, § 4, cl. 1.

95. Whether, and under what circumstances, to provide voters notice and an opportunity to cure non-compliant mail-in and absentee ballots cast in federal elections are issues of the “Manner” in which such elections are conducted and, thus, are entrusted to the Legislature’s exclusive authority. *See id.*; *see also, e.g., Smiley v. Holm*, 285 U.S. 355, 373 (1982).

96. Accordingly, neither Boards nor any other organ or instrumentality of the State government may regulate that question. *See* U.S. CONST. art. I, § 4, cl. 1; *Smiley*, 285 U.S. at 373.

WHEREFORE, Petitioners respectfully request this Honorable Court declare that any adoption or implementation of cure procedures for federal elections other than those expressly authorized by the General Assembly violates the Elections Clause of the United States Constitution.

COUNT III

INJUNCTION PROHIBITING BOARDS FROM DEVELOPING OR IMPLEMENTING CURE PROCEDURES

97. Petitioners incorporate by reference all preceding paragraphs of this Petition as if fully set forth herein.

98. Because the development and implementation by some Boards of cure procedures is inconsistent with Pennsylvania law, and because the Court lacks the power to require Boards to implement a cure procedure, the practice must be enjoined statewide.

99. A party seeking a permanent injunction must establish three elements: “(1) a clear right to relief; (2) that an injunction is necessary to avoid an injury that cannot be compensated by damages; and (3) that a greater injury will result from refusing the injunction.” *Mazin v. Bureau of Professionals Occupational Affairs*, 950 A.2d 382, 389 (Pa. Commw. 2008).

100. Petitioners have a clear right to relief: the Election Code provides a cure procedure only with respect to proof of identity, not for defects under 25 Pa. C.S. §§ 3146.6(a) and 3150.16(a). Moreover, the varied approaches taken by the Boards in deciding whether to implement a cure procedure, and if so, the particulars of same, unquestionably prevents voters in Pennsylvania from voting on equal terms.

101. The varied procedures (or absence of same) have materially affected the manner Pennsylvania voters are able to exercise their right to vote by absentee or mail-in ballot.

102. Violations which affect voting rights cannot be compensated by damages. *See Kuznik v. Westmoreland Cty. Bd. of Com'rs*, 902 A.2d 476 (Pa. 2006).

103. The balancing of harms favors granting injunctive relief, as the alternative is to allow the usurpation by some Boards of the exclusive legislative power held by the General Assembly to persist.

WHEREFORE, Petitioners respectfully request this Honorable Court issue a permanent injunction prohibiting the Boards from developing and implementing cure procedures and for the Acting Secretary to take no action inconsistent with such permanent injunction.

Respectfully submitted,

Dated: September 1, 2022

/s/ Kathleen A. Gallagher
Kathleen A. Gallagher
PA I.D. #37950
Russell D. Giancola
PA. I.D. #200058
GALLAGHER GIANCOLA LLC
436 Seventh Avenue, 31st Floor
Pittsburgh, PA 15219
Phone: (412) 717-1900
kag@glawfirm.com
rdg@glawfirm.com

Thomas W. King, III
Thomas E. Breth
DILLON, McCANDLESS, KING,
COULTER & GRAHAM, LLP
128 W. Cunningham St.
Butler, PA 16001
Phone: (724) 283.2200
tking@dmkcg.com
tbreth@dmkcg.com

Counsel for Petitioners

EXHIBIT A

From: [Grieser, Daniel D.](#)
To: [Brian Adrian](#)
Cc: [Jennifer Pepmeyer](#); [Dayoub, Ashley](#); [Kathleen Gallagher](#)
Subject: RE: Bucks County filings
Date: Monday, August 1, 2022 11:47:35 AM
Attachments: [image001.png](#)
[Curing Postcard Side 1.docx](#)
[Curing Postcard Side 2 - 2021.doc](#)
[RNC responsive emails.pdf](#)

Brian, we are still working through the emails. Unfortunately, my computer crashed halfway through, so I had to start over.

Below is a summary of our "curing process"

Generally speaking, we receive mail in/absentee ballots during the election season, for those missing a signature or date, we allow them to be "cured." BOE sends a postcard out to voters on ballots needing to be cured. Last year's version is attached. We send those postcards out up to the day before the election. We also send our list of voters with problems to the parties if they request them. We update the list each day to allow the parties to contact them on election day if necessary. To cure ballots, voters travel to BOE and either sign or date their ballots and then resubmit them to the BOE. If a voter is unable to cure the problematic ballot, they can file a provisional ballot at their poll on election day. Any cured mailed-in/absentee ballots received after 8 PM on election day are not accepted.

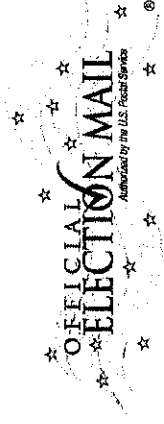
I have also attached the only emails we have that regard "curing."

The remaining emails I am reviewing are DOS guidance regarding the election in general and our BOE's response, if any. There is several hundred to go through. If you are only concerned about curing, these emails are not particularly helpful. Please clarify if there is something specific you are looking for. If it is easier, I am free for a phone call as well — Dan.

County of Bucks
Board of Elections
55 East Court St
Doylestown PA 18901



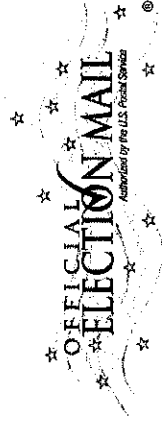
County of Bucks
Board of Elections
55 East Court St
Doylestown PA 18901



County of Bucks
Board of Elections
55 East Court St
Doylestown PA 18901



County of Bucks
Board of Elections
55 East Court St
Doylestown PA 18901



**NOTICE: YOU FAILED TO SIGN AND/OR DATE
YOUR MAILED BALLOT.**

**PLEASE CONTACT THE BUCKS COUNTY BOARD OF
ELECTIONS OFFICE AS SOON AS POSSIBLE TO
REMEDY THIS. BALLOTS MUST BE CURED BY 8:00
PM ON ELECTION DAY IN ORDER TO COUNT. IF
YOU ARE UNABLE TO CORRECT THIS YOU MAY
VOTE BY PROVISIONAL BALLOT AT YOUR POLLING
PLACE.**

**CALL 215-348-6154 FOR MORE INFORMATION
OFFICE HOURS ARE 8:00-5:00, M-F.**

**NOTICE: YOU FAILED TO SIGN AND/OR DATE
YOUR MAILED BALLOT.**

**PLEASE CONTACT THE BUCKS COUNTY BOARD OF
ELECTIONS OFFICE AS SOON AS POSSIBLE TO
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OFFICE HOURS ARE 8:00-5:00, M-F.**

EXHIBIT B

From: [Benitz, Caroline](#)
To: [Batipps, Sarah](#); [Piening, Sarah](#); [Dean, Francis](#)
Subject: Re: Montgomery County Voter Services
Date: Wednesday, October 28, 2020 9:21:50 AM

Unfortunately I'm not aware of any to refer them to you. Frank or Sarah, do you know a better answer to this question?

From: Batipps, Sarah <SBatipps@montcopa.org>
Sent: Wednesday, October 28, 2020 9:12 AM
To: Benitz, Caroline <cbenitz@montcopa.org>; Piening, Sarah <SPiening2@montcopa.org>
Subject: RE: Montgomery County Voter Services

Right, I have that understanding, the issue is that the person is physically disabled and cannot appear in person to cure the ballot or to cast a provisional vote.

I know that it is not the county issue that the person did not complete the ballot correctly, but are there any community resources/agencies that we could refer them too as far as assistance in getting to the polls?

From: Benitz, Caroline <cbenitz@montcopa.org>
Sent: Wednesday, October 28, 2020 9:09 AM
To: Batipps, Sarah <SBatipps@montcopa.org>; Piening, Sarah <SPiening2@montcopa.org>
Subject: Re: Montgomery County Voter Services

Hi Sarah,
The option would be us mailing them the form, but at this point we all know it wouldn't arrive in time for them to return and get a new ballot sent to them. Please also tell voters they can vote provisionally on election day.

From: Batipps, Sarah <SBatipps@montcopa.org>
Sent: Tuesday, October 27, 2020 5:58 PM
To: Piening, Sarah <SPiening2@montcopa.org>; Benitz, Caroline <cbenitz@montcopa.org>
Subject: FW: Montgomery County Voter Services

Good Evening Ladies

I am reaching out to you as I don't have any other direct contacts in Voters. I am coordinating the call backs to voters who submitted a ballots with errors in an attempt to cure the problem. I am working with Tom Bonner on this, and he sends me the spreadsheet and has provided scripted response to the various issues.

However, we have had a few voters who cannot cure their ballot with the options that we have been directed to provide them:

- Physically coming to HSC to correct an incomplete declaration
- completing a cancellation and replace in person, or
- cancellation and replace by email using the form on voter services website.

Are there any alternatives for those without electronic means of communication and who are disabled and cannot appear in person to cure their ballot?

One Voter in particular has been calling quite distressed about how to proceed, can you help us?

Ballot # 110832073 [REDACTED]

Thank you,

Sarah Batipps

Sarah Batipps, MSS

Performance and Planning Specialist
Office of Performance and Planning
Department of Health and Human Services
Office: 610-278-3013
Cell: 610-724-8926



Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, forwarding, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Applegate, Christina <CApplegate@montcopa.org>

Sent: Tuesday, October 27, 2020 5:48 PM

To: Batipps, Sarah <SBatipps@montcopa.org>

Subject: RE: Montgomery County Voter Services

Can we have someone from voter services call [REDACTED] with another option? I spoke with her last night and she was very upset because she cannot come to Norristown nor does she have email. She called me several times today crying.

EXHIBIT C



**Presidential
General
Election**

11/3/2020
Polls open 7am-8pm.

1 DAYS
20 HRS **45** MINS

Election Calendar

11/ 3/2020
Last day for County
Boards of Elections to
receive voted mail-in
and civilian absentee
ballots

11/ 3/2020
GENERAL ELECTION

11/ 3/2020
24-Hour Reporting -
Daily Reporting Ends

11/ 4/2020
First day to REGISTER
after November election

11/10/2020
Last day for County
Boards of Elections to
receive voted military
and overseas absentee
ballots

11/23/2020
Thirty Day Post-Election
- Cycle 6 Reporting
Period Closes

[Read more](#)

Cancelled Ballot Notification Information

[Share on Facebook](#) [Print](#)

Voters who have received a notification that their ballot was cancelled may fall into one of the following three categories:

- ✓ CANC – NO SIGNATURE - Voter's ballot was returned without a signature on the declaration envelope
- ✓ CANC – VOTE CANCELLED - Voter's ballot was determined to lack a secrecy envelope without opening the declaration envelope
- ✓ CANC - UNDELIVERABLE - Voter's ballot was returned by the USPS to the County Board of Elections

Voters whose ballots have been cancelled can vote by provisional ballot on Election Day; alternatively they may request a replacement ballot at a satellite election office through 8:00 PM on Election Day.

Información sobre el Aviso de Boleta Cancelada

Los votantes que hayan recibido un aviso de que su boleta fue cancelada pueden integrar una de las tres categorías siguientes:

- ✓ CANCELACIÓN-FALTA DE FIRMA: la boleta del votante se envió sin una firma en el sobre de declaración.
- ✓ CANCELACIÓN-VOTO CANCELADO: se determinó, sin abrir el sobre de declaración, que la boleta del votante no contenía el sobre secreto.
- ✓ CANCELACIÓN-IMPOSIBILIDAD DE ENTREGA: USPS devolvió la boleta del votante a la Junta Electoral del Condado.

Los votantes cuyas boletas hayan sido canceladas pueden votar mediante una boleta provisional el Día de la Elección; alternatively, pueden solicitar una boleta electoral de reemplazo en una oficina electoral satélite hasta las 8:00 p. m. del Día de la Elección.

[Tweet](#)

EXHIBIT D

From: [Powell, Pamela via PA County Election Directors](#)
To: [PA County Election Directors](#)
Subject: [PA County Election Directors] RE: [EXTERNAL]Naked Ballots & No Signature on Declaration Envelope
Date: Tuesday, October 6, 2020 4:29:33 PM

I thought DOS stated something somewhere that we weren't supposed to contact voters regarding the mail-ins/absentees? Anyone else vaguely remembering this?

Kind Regards,

Pam

*Pamela Powell
Director of Elections & Voter Registration
Mifflin County
20 North Wayne Street
Lewistown, PA 17044
(717) 248-6571 ext. 5444*

Notice: This confidential message/attachment contains information for a specific individual(s) and purpose. Any inappropriate use, distribution, or copying is prohibited. If received in error, please notify the sender and immediately delete the message. The Mifflin County Department of Elections and Voter Registration cannot provide legal, tax, or accounting advice. All candidates for public office should solicit advice from a licensed professional in the appropriate field in advance of statutory deadlines and before filing documents with this office. Filers are responsible for ensuring the correctness and completeness of all documents; the Mifflin County Department of Elections and Voter Registration is not responsible for errors and omissions.

From: Amy Cozze via PA County Election Directors
<paelectiondirectors+acozze_at_northamptoncounty.org@gaggle.email>
Sent: Tuesday, October 6, 2020 1:22 PM
To: 'PA County Election Directors' <paelectiondirectors@gaggle.email>
Subject: [PA County Election Directors] RE: [EXTERNAL]Naked Ballots & No Signature on Declaration Envelope

EXTERNAL EMAIL: Please use caution when opening attachments and links.

Has anyone attempted to rectify ballots returned that obviously don't have the secrecy envelope included? You can see the timing marks through the return envelope. Our solicitor is of the opinion that we are prohibited from contacting voters to cure this situation – but that being said I have several hundred ballots here that are “naked” and the number is growing....

From: Clearfield County Election Office via PA County Election Directors
<paelectiondirectors+elections_at_clearfieldco.org@gaggle.email>
Sent: Tuesday, October 6, 2020 12:57 PM
To: PA County Election Directors <paelectiondirectors@gaggle.email>

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RUTHANN BAUSCH, MARCIA DAY
DONDIEGO, JUDITH REED, RHODA
EMEFA AMEDEKU, DANIEL
STROHLER, SHARON STROHLER,
BERNARD BOAKYE BOATENG,
LORI RIEKER and LISA DANNER,

Plaintiffs,

v.

LEHIGH COUNTY BOARD OF
ELECTIONS, NORTHAMPTON
COUNTY BOARD OF ELECTIONS
and LEIGH M. CHAPMAN,
in her capacity as Secretary of the
Commonwealth of Pennsylvania

Defendants.

JURY TRIAL DEMANDED

Civ. No. 5:22-cv-02111

**STIPULATED AGREEMENT BETWEEN AND AMONG PLAINTIFFS, RUTHANN
BAUSCH, MARCIA DAY DONDIEGO, JUDITH REED, DANIEL STROHLER,
SHARON STROHLER, BERNARD BOAKYE BOATENG AND LORI REIKER, AND
DEFENDANT, NORTHAMPTON COUNTY BOARD OF ELECTIONS**

AND NOW, come the Plaintiffs, Ruthann Bausch, Marcia Day Dondiego, Judith Reed Daniel Strohler, Sharon Strohler, Bernard Boakye Boateng, and Lori Reiker ("Northampton Plaintiffs"), by and through their attorneys Mobilio Wood, and the Defendant, Northampton County Board of Elections, by and through its attorney Richard Eugene Santee, and hereby submit the instant Stipulated Agreement and aver as follows:

1. Plaintiffs Ruthann Bausch, Marcia Day Dondiego, and Judith Reed are among a group of 23 Democratic Northampton County voters in State Senate District 14 whose timely-submitted mail-in ballots for the May 17, 2022, election will not count because they were not placed in a “secrecy envelope” before being sent to the Election Boards.

2. Plaintiffs Daniel Stroehler, Sharon Stroehler, Bernard Boakye Boateng, and Lori Reiker, are among a group of 25 Democratic Northampton County voters in State Senate District 14 whose timely-mailed ballots for the May 17, 2022, election will not count because said ballots were mailed to, but not received by the Northampton County Election Office on or before May 17, 2022, at 8:00 p.m.

3. On May 31, 2022, the Northampton Plaintiffs filed a Complaint in the Eastern District of Pennsylvania alleging that the aforementioned impediments to the counting of their votes was unlawful.

4. The Northampton County Board of Elections disputes Northampton Plaintiffs’ assertions with respect to the application of the law referenced in Plaintiffs’ Complaint.

5. Although the parties disagree on the application of the law in this matter, the parties agree that voting is a fundamental right which all parties strive to safeguard.

6. In furtherance of that objective, and as a full and final resolution of the aforementioned matter, the parties agree as follows:

a. Plaintiffs will immediately seek the dismissal, with prejudice, of the instant litigation.

b. Defendant, Northampton County Board of Elections, will, from this date forward:

- a. Include messaging to Northampton County voters emphasizing the importance of providing contact information including a notice on the Northampton County Voter Registration website;

7. The parties also agree that is in the best interests of the Northampton County Board of Elections and Northampton County voters to provide the opportunity of notice to a voter who returns mail-in ballots and absentee ballots without a secrecy envelope (known as “Naked Ballots”).

8. In furtherance of that objective, the Northampton County Board of Elections shall do the following:

- a. During the pre-canvass which begins on or after 7 a.m. on Election Day, the County shall provide the names of all voters whose Naked Ballots are discovered prior to 8:00 pm on Election Day to the party and/or candidate representative(s) who are on-site during pre-canvassing so that the party representative(s) can notify the voters; and
- b. Explore changing the color of the secrecy envelope to something more conspicuous than white, so that the secrecy envelope stands out to the voter and is easily discernable from other materials provided to them with their mail-in ballot.

Date: 6/15/22

Date: 6/15/22

Matthew Mobilio

Matthew Mobilio, Esquire
Attorney for Plaintiff



Richard Eugene Santee, Esquire
Assistant Solicitor, Office of the Solicitor
Attorney for Northampton County
Board of Elections

EXHIBIT F

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RUTHANN BAUSCH, MARCIA DAY
DONDieGO, JUDITH REED, RHODA
EMEFA AMEDEKU, DANIEL
STROHLER, SHARON STROHLER,
BERNARD BOAKYE BOATENG,
LORI RIEKER and LISA DANNER,

Plaintiffs,

v.

LEHIGH COUNTY BOARD OF
ELECTIONS, NORTHAMPTON
COUNTY BOARD OF ELECTIONS
and LEIGH M. CHAPMAN,
in her capacity as Secretary of the
Commonwealth of Pennsylvania

Defendants.

JURY TRIAL DEMANDED

Civ. No. 5:22-cv-02111

**STIPULATED AGREEMENT BETWEEN AND AMONG PLAINTIFFS, RHODA
EMEFA AMEDEKU AND LISA DANNER, AND DEFENDANT, LEHIGH COUNTY
BOARD OF ELECTIONS**

AND NOW, come the Plaintiffs, Rhoda Emefa Amedeku and Lisa Danner (“Lehigh Plaintiffs”), by and through their attorneys Mobilio Wood, and the Defendant, Lehigh County Board of Elections, by and through its attorneys Sarah Murray and Lucas Repka, and hereby submit the instant Stipulated Agreement and aver as follows:

1. Plaintiff Rhoda Emefa Amedeku is among a group of 94 Democratic Lehigh County voters in State Senate District 14 whose timely-submitted mail-in ballots for the May 17,

2022, election will not count because it was not placed in a “secrecy envelope” before being sent to the Election Board.

2. Plaintiff Lisa Danner is among a group of 118 Democratic Lehigh County voters in State Senate District 14 whose mailed ballots for the May 17, 2022, election will not count because said ballots were mailed to the Lehigh County Election Office on or before May 17, 2022, but were not received by the Lehigh County Election Office on or before May 17, 2022, at 8:00 p.m.

3. On May 31, 2022, the Lehigh Plaintiffs filed a Complaint in the Eastern District of Pennsylvania alleging that the aforementioned impediments to the counting of their votes was unlawful.

4. Although the parties disagree on the application of the law aforesaid, the parties agree that a more robust voter education system should be established to ensure that Lehigh County voters have every opportunity to have their votes counted.

5. In furtherance of that objective, and as a full and final resolution of the aforementioned matter, the parties agree as follows:

- a. Plaintiffs will immediately seek the dismissal, with prejudice, of the instant litigation.
- b. Defendant, Lehigh County Board of Elections, will, from this date forward:
 - a. Include an insert with all outgoing mail-in ballot applications and absentee ballot applications (including permanent voter mailings) emphasizing the importance of providing contact information on the ballot application; and

- b. Include messaging on the Lehigh County Voter Registration website emphasizing the importance of providing contact information on the ballot application.

6. The parties also agree that is in the best interests of the Lehigh County Board of Elections and Lehigh County voters to provide notice to a voter who returns a mail-in ballot or an absentee ballot without a secrecy envelope (known as “Naked Ballots”).

7. In furtherance of that objective, the Lehigh County Voter Registration Office shall do the following:

- a. During the pre-canvass, which begins on or after 7:00 am on Election Day, the Office shall notify all voters whose Naked Ballots are discovered prior to 8:00 pm on Election Day and/or provide the names of such voters to the party and/or candidate representative(s) who are on-site during pre-canvassing so that the voters can be notified;
- b. Explore in good faith the acquisition of a ballot sorter that has the capability to either weigh return ballots or measure their thickness so that voters can be notified of possible Naked Ballots. If feasible, such a ballot sorter shall be purchased and in operation as soon as possible;
- c. Explore in good faith the legality of the Office notifying voters if, upon receipt of their ballot, the Office believes (without opening or tampering with the envelope or the ballot) that the voter may have submitted a Naked Ballot. If feasible, this practice shall be implemented in advance of the November 2022 General Election; and

- d. Explore in good faith changing the color of the secrecy envelope to something more conspicuous than white, so that the secrecy envelope stands out to the voter and is easily discernable from other materials provided to them with their mail-in or absentee ballot.

Date: June 15, 2022

By: 
Matthew Mobilio, Esquire
Attorney for Plaintiffs

Date: June 15, 2022


By: 
Sarah M. Murray, Esquire
Deputy County Solicitor
Attorney for Defendant Lehigh
County Board of Elections

EXHIBIT G

From: [Jean Byers via PA County Election Directors](#)
To: [PA County Election Directors](#)
Subject: [PA County Election Directors] Naked Ballots & No Signature on Declaration Envelope
Date: Tuesday, October 6, 2020 12:30:59 PM

I know that voters are not entitled to notice and an opportunity to cure minor defects resulting from failure to comply with statutory requirements for vote by mail but I am curious if any counties are planning on reaching out to voters by email, phone or mail whenever a defect is detected. Thanks!

Jean C. Byers
Deputy Chief Clerk & Open Records Officer
Phone: (717) 261-3810
Fax: (717) 267-3438

Sent via the paelectiondirectors@gaggle.email email group by
jcbyers@franklincountypa.gov - [reply to sender](#)

[My Settings](#) | [Unsubscribe](#)

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: _____



Angela Alleman, Executive Director
Republican Party of Pennsylvania

VERIFICATION


I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: 
Philip Valenziano
RNC Regional Political Director

VERIFICATION

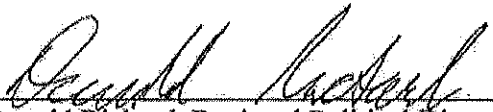
I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking Declaratory and Injunctive Relief** are true and correct to the best of my knowledge and belief and are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

By: _____


Stu Sandler, Political Director
National Republican Senatorial Committee

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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 Rickard, Regional Political Director
National Republican Congressional Committee

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: 
Debra A. Biro

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: _____

Connor R. Gallagher

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: David M Ball
David Ball

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: Gwendolyn Mae Deluea
Gwendolyn Mae Deluea

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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.

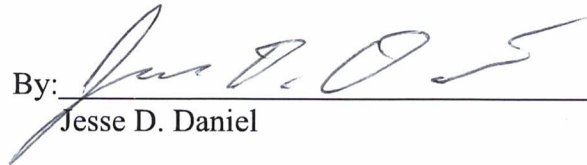
By: _____


James D. Bee

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: _____

A handwritten signature in dark ink, appearing to read 'Jesse D. Daniel', is written over a horizontal line.

Jesse D. Daniel

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: Linda S. Kozlovich
Linda S. Kozlovich

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: _____

Lynn Marie Kalcevic



VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: Ross M. Farber
Ross M. Farber

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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: _____

S. Michael Streib

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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.

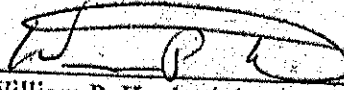
By: 

Valerie Siciliano-Biancaniello

VERIFICATION

I hereby aver that the statements of fact contained in the attached **Petition for Review Directed to Court's Original Jurisdiction Seeking 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:

A handwritten signature in dark ink, appearing to read 'W. P. Kozlovich', written over a horizontal line.

William P. Kozlovich

**CERTIFICATION OF COMPLIANCE
WITH CASE RECORDS PUBLIC ACCESS POLICY**

I, Kathleen A. Gallagher, 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.

Dated: September 1, 2022

GALLAGHER GIANCOLA LLC

*/s/ Kathleen A. Gallagher*_____

Kathleen A. Gallagher

Counsel for Petitioner

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Republican National Committee, et al., Petitioner v. : New Case
Chapman, in her official capacity as Acting Secretary :
of the Commonwealth, Leigh M., et al. :

PROOF OF SERVICE

I hereby certify that this 2nd day of September, 2022, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service

Served: Adams County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 117 Baltimore Street
Gettysburg, PA 173252313
Phone: --
Representing: Respondent Adams County Board of Elections

Served: Allegheny County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 542 Forbes Avenue
Suite 312
Pittsburgh, PA 152192953
Phone: --
Representing: Respondent Allegheny County Board of Elections

Served: Armstrong County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 450 East Market Street
Kittanning, PA 16201
Phone: --
Representing: Respondent Armstrong County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Attorney General
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Office of Attorney General
Strawberry Square, 16th Floor
Harrisburg, PA 17120

Phone: --

Served: Attorney General
Service Method: eService
Service Date: 9/1/2022
Address: Strawberry Square
16th Floor
Harrisburg, PA 17120

Phone: (71-7) -787-3391

Served: Beaver County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 810 Third Street
Beaver, PA 15009

Phone: --
Representing: Respondent Beaver County Board of Elections

Served: Bedford County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 200 S. Juliana Street
Bedford, PA 15522

Phone: --
Representing: Respondent Bedford County Board of Elections

Served: Berks County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 633 Court Street
First Floor
Reading, PA 19601

Phone: --
Representing: Respondent Berks County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Blair County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Blair County Courthouse
279A Loop Road
Hollidaysburg, PA 16648

Phone: --
Representing: Respondent Blair County Board of Elections

Served: Bradford County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 6 Court Street
Suite 2
Towanda, PA 18848

Phone: --
Representing: Respondent Bradford County Board of Elections

Served: Bucks County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 55 East Court Street
Doylestown, PA 18901

Phone: --
Representing: Respondent Bucks County Board of Elections

Served: Butler County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 124 West Diamond Street
Butler, PA 16001

Phone: --
Representing: Respondent Butler County Board of Elections

Served: Cambria County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 200 South Center Street
Ebensburg, PA 15931

Phone: --
Representing: Respondent Cambria County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Cameron County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 20 East 5th Street
Emporium, PA 15834
Phone: --
Representing: Respondent Cameron County Board of Elections

Served: Carbon County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 44 Susquehanna Street
Jim Thorpe, PA 18229
Phone: --
Representing: Respondent Carbon County Board of Elections

Served: Centre County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 420 Holmes Street
Bellefonte, PA 168231488
Phone: --
Representing: Respondent Centre County Board of Elections

Served: Chester County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Government Services Center
601 Westtown Road
Suite 150
West Chester, PA 193800990
Phone: --
Representing: Respondent Chester County Board of Elections

Served: Clarion County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 330 Main Street
Room 104
Clarion, PA 16214
Phone: --
Representing: Respondent Clarion County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Clearfield County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 212 East Locust Street
Clearfield, PA 16830
Phone: --
Representing: Respondent Clearfield County Board of Elections

Served: Clinton County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 2 Piper Way
Suite 309
Lock Haven, PA 177450928
Phone: --
Representing: Respondent Clinton County Board of Elections

Served: Columbia County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Columbia County Courthouse
11 West Main Street
Bloomsburg, PA 178150380
Phone: --
Representing: Respondent Columbia County Board of Elections

Served: Crawford County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 903 Diamond Park
Meadville, PA 16335
Phone: --
Representing: Respondent Crawford County Board of Elections

Served: Cumberland County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 1601 Ritner Highway
Carlisle, PA 17013
Phone: --
Representing: Respondent Cumberland County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Dauphin County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 1251 South 28th Street
Harrisburg, PA 17111
Phone: --
Representing: Respondent Dauphin County Board of Elections

Served: Delaware County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 201 West Front Street
Government Center Building
Media, PA 19063
Phone: --
Representing: Respondent Delaware County Board of Elections

Served: Elk County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 300 Centre Street
Ridgway, PA 158530448
Phone: --
Representing: Respondent Elk County Board of Elections

Served: Erie County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Erie County Courthouse
140 West 6th Street
Room 112
Erie, PA 16501
Phone: --
Representing: Respondent Erie County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Fayette County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 2 West Main Street
Suite 111
Uniontown, PA 154013412
Phone: --
Representing: Respondent Fayette County Board of Elections

Served: Forest County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 526 Elm Street
Unit #3
Tionesta, PA 16353
Phone: --
Representing: Respondent Forest County Board of Elections

Served: Franklin County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 272 North Second Street
Chambersburg, PA 17201
Phone: --
Representing: Respondent Franklin County Board of Elections

Served: Fulton County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 116 West Market Street
Suite 205
McConnellsburg, PA 17233
Phone: --
Representing: Respondent Fulton County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Greene County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Room 102 - County Office Building
93 East High Street
Waynesburg, PA 15370

Phone: --
Representing: Respondent Greene County Board of Elections

Served: Huntingdon County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 233 Penn Street
Bailey Building
Huntingdon, PA 16652

Phone: --
Representing: Respondent Huntingdon County Board of Elections

Served: Indiana County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 825 Philadelphia Street
Indiana, PA 157013934

Phone: --
Representing: Respondent Indiana County Board of Elections

Served: Jefferson County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 155 Main Street
Brookville, PA 15825

Phone: --
Representing: Respondent Jefferson County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Jessica Mathis, in her official capacity as Director of the PA Bureau of
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Pennsylvania Department of State
210 North Office Building
401 North Street
Harrisburg, PA 17120
Phone: --
Representing: Respondent Jessica Mathis, in her official capacity as Director of the PA Bureau of Election Services ar

Served: Juniata County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 1 North Main Street
Mifflintown, PA 17059
Phone: --
Representing: Respondent Juniata County Board of Elections

Served: Lackawanna County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 123 Wyoming Avenue
Second Floor
Scranton, PA 18503
Phone: --
Representing: Respondent Lackawanna County Board of Elections

Served: Lancaster County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 150 North Queen Street
Suite 117
Lancaster, PA 17603
Phone: --
Representing: Respondent Lancaster County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Lawrence County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Lawrence County Government Center
430 Court Street
New Castle, PA 161013593

Phone: --
Representing: Respondent Lawrence County Board of Elections

Served: Lebanon County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Municipal Building
Room 209
400 South 8th Street
Lebanon, PA 17042

Phone: --
Representing: Respondent Lebanon County Board of Elections

Served: Lehigh County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Lehigh County Government Center
17 South 7th Street
Allentown, PA 18101

Phone: --
Representing: Respondent Lehigh County Board of Elections

Served: Leigh M. Chapman, in her official capacity as Acting Secretary of the
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Pennsylvania Department of State
302 North Office Building
401 North Street
Harrisburg, PA 17120

Phone: --
Representing: Respondent Leigh M. Chapman, in her official capacity as Acting Secretary of the Commonwealth

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Luzerne County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 20 North Pennsylvania Avenue
Suite 207
Wilkes-Barre, PA 187013505
Phone: --
Representing: Respondent Luzerne County Board of Elections

Served: Lycoming County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 48 West Third Street
Williamsport, PA 17701
Phone: --
Representing: Respondent Lycoming County Board of Elections

Served: McKean County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: McKean County Courthouse
500 West Main Street
Smethport, PA 16749
Phone: --
Representing: Respondent McKean County Board of Elections

Served: Mercer County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 130 North Pitt Street
Suite B
Mercer, PA 16137
Phone: --
Representing: Respondent Mercer County Board of Elections

Served: Mifflin County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 20 North Wayne Street
Lewistown, PA 17044
Phone: --
Representing: Respondent Mifflin County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Monroe County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Monroe County Administrative Offices
One Quaker Plaza
Room 105
Stroudsburg, PA 18360
Phone: --
Representing: Respondent Monroe County Board of Elections

Served: Montgomery County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: One Montgomery Plaza
425 Swede Street
Suite 602
Norristown, PA 19401
Phone: --
Representing: Respondent Montgomery County Board of Elections

Served: Montour County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 435 East Front Street
Danville, PA 17821
Phone: --
Representing: Respondent Montour County Board of Elections

Served: Northampton County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 669 Washington Street, Lower Level
Easton, PA 180427408
Phone: --
Representing: Respondent Northampton County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Northumberland County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 320 North Second Street
Suite 1
Sunbury, PA 17801
Phone: --
Representing: Respondent Northumberland County Board of Elections

Served: Perry County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Veterans Memorial Building
Voter Registration Office
25 West Main Street
New Bloomfield, PA 17068
Phone: --
Representing: Respondent Perry County Board of Elections

Served: Philadelphia County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 142 City Hall
1400 JFK Boulevard
Philadelphia, PA 19107
Phone: --
Representing: Respondent Philadelphia County Board of Elections

Served: Pike County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 506 Broad Street
Pike County Administration Building
Milford, PA 183371535
Phone: --
Representing: Respondent Pike County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Potter County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 1 North Main Street
Coudersport, PA 16915
Phone: --
Representing: Respondent Potter County Board of Elections

Served: Schuylkill County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 420 North Centre Street
Pottsville, PA 17901
Phone: --
Representing: Respondent Schuylkill County Board of Elections

Served: Snyder County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Snyder County Courthouse
9 West Market Street
Middleburg, PA 17842
Phone: --
Representing: Respondent Snyder County Board of Elections

Served: Somerset County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 300 North Center Avenue
Suite 340
Somerset, PA 15501
Phone: --
Representing: Respondent Somerset County Board of Elections

Served: Sullivan County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Sullivan County Courthouse
Main & Muncy Streets
Laporte, PA 186260157
Phone: --
Representing: Respondent Sullivan County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Susquehanna County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 31 Lake Avenue
Montrose, PA 18801
Phone: --
Representing: Respondent Susquehanna County Board of Elections

Served: Tioga County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 118 Main Street
Wellsboro, PA 16901
Phone: --
Representing: Respondent Tioga County Board of Elections

Served: Union County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 155 North 15th Street
Lewisburg, PA 178378822
Phone: --
Representing: Respondent Union County Board of Elections

Served: Venango County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Venango County Courthouse Annex
1174 Elk Street
Franklin, PA 16323
Phone: --
Representing: Respondent Venango County Board of Elections

Served: Warren County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Warren County Courthouse
204 4th Avenue
Warren, PA 16365
Phone: --
Representing: Respondent Warren County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Washington County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 95 West Beau Street
Suite 010
Washington, PA 153014432
Phone: --
Representing: Respondent Washington County Board of Elections

Served: Wayne County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 925 Court Street
Honesdale, PA 18431
Phone: --
Representing: Respondent Wayne County Board of Elections

Served: Westmoreland County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 2 North Main Street
Greensburg, PA 15601
Phone: --
Representing: Respondent Westmoreland County Board of Elections

Served: Wyoming County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: 1 Courthouse Square
Tunkhannock, PA 18657
Phone: --
Representing: Respondent Wyoming County Board of Elections

Served: York County Board of Elections
Service Method: Commercial Carrier: Federal Express
Service Date: 9/2/2022
Address: Administrative Center
28 East Market Street
York, PA 17401
Phone: --
Representing: Respondent York County Board of Elections

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

/s/ Kathleen A. Gallagher

(Signature of Person Serving)

Person Serving: Gallagher, Kathleen A.
Attorney Registration No: 037950
Law Firm: Gallagher Giancola LLC
Address: 436 Seventh Ave 31st Fl
Pittsburgh, PA 15219
Representing: Petitioner Ball, David
Petitioner Bee, James D.
Petitioner Biro, Debra A.
Petitioner Daniel, Jesse D.
Petitioner Deluca, Gwendolyn Mae
Petitioner Farber, Ross M.
Petitioner Gallagher, Connor R.
Petitioner Kalcevic, Lynn Marie
Petitioner Kozlovich, Linda S.
Petitioner Kozlovich, William P.
Petitioner National Republican Congressional Committee
Petitioner National Republican Senatorial Committee
Petitioner Republican National Committee
Petitioner Republican Party of Pennsylvania
Petitioner Siciliano-Biancaniello, Vallerie
Petitioner Streib, S. Michael