

**IN THE SUPREME COURT OF PENNSYLVANIA**  
**No. 7 MM 2022**

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Carol Ann Carter; Monica Parrilla; Rebecca Poyourow; William Tung;  
Roseanne Milazzo; Burt Siegel; Susan Cassanelli; Lee Cassanelli; Lynn  
Wachman; Michael Guttman; Maya Fonkeu; Brady Hill; Mary Ellen  
Balchunis; Tom DeWall; Stephanie McNulty; and Janet Temin, *Petitioners*

vs.

Leigh M. Chapman, in Her Capacity as Acting Secretary of the  
Commonwealth of Pennsylvania; and Jessica Mathis, in Her Capacity as  
Director of the Bureau of Election Services and Notaries, *Respondents*

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Philip T. Gressman; Ron Y. Donagi; Kristopher R. Tapp; Pamela A.  
Gorkin; David P. Marsh; James L. Rosenberger; Amy Myers; Eugene  
Boman; Gary Gordon; Liz McMahon; Timothy G. Feeman; and Garth  
Isaak, *Petitioners*

vs.

Leigh Chapman, in her Official Capacity as the Acting Secretary of the  
Commonwealth of Pennsylvania; and Jessica Mathis, in Her Official  
Capacity as Director of the Bureau of Election Services and Notaries,  
*Respondents*

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**APPLICATION FOR LEAVE TO FILE AMICUS BRIEF ON  
BEHALF OF THE *DAVID VS. CHAPMAN* PETITIONERS UNDER  
PA. RULE APP. P. 531(b)(1)(iii)**

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Adam C. Bonin (PA ID No. 80929)  
The Law Office of Adam C. Bonin  
121 South Broad Street, Suite 400  
Philadelphia, PA 19107  
Telephone: (267) 242-5014  
Facsimile: (215) 827-5300  
[adam@boninlaw.com](mailto:adam@boninlaw.com)  
Attorney for Applicants

Proposed *amicus curiae*, Charlene David, Rosamaria Telep, Jacqueline Pickering, Amy Bruckner, Colleen Gray Nguyen, Jessica Gittens, Tonya Morrow, Madeline Sweitzer, Kerry Milch, Joshua Ferris, and Gary Mintz, by and through counsel, file this Application for Leave to file Amicus Curiae Brief pursuant to Pa.R.A.P. 531(b)(1)(iii), and in support thereof aver as follows:

1. Proposed Amici Curiae (“Applicants”) are Petitioners in David v. Chapman, 22 MD 2022, currently pending before the Commonwealth Court.

2. Petitioners reside in the most grievously malapportioned state Senate and House districts. The current state legislative reapportionment plan unconstitutionally dilutes the strength of their votes because they live in districts with populations which now are significantly larger than those in which other voters live—as much as 21.1% larger than the new ideal district population on the House side, and 16.6% larger than the new ideal Senate district. The LRC Final Plan cures these malapportionment issues. If the LRC Final Plan is constitutional in all respects, it would violate Petitioners’ right to participate in Free and Equal Elections to continue to employ the prior decade’s map when common-sense scheduling adjustments could allow the 2022 Final Plan’s implementation now.

3. Applicants do not wish to participate in the instant action in any way other than the filing of a brief as Amici Curiae, and can claim no right as “Participants” under this Court’s Per Curiam Order of February 2, 2022.

4. Applicants do not seek to file exceptions to the Special Master's Report and Recommendation, nor do they seek to challenge any of the Special Master's proposed conclusions of law.

5. Applicants seek only to assist in the Court's consideration and choice of a constitutionally compliant Primary Election Calendar capable of administration by the Pennsylvania Judiciary and county boards of elections.

6. Applicants do not advocate for any one specific Calendar which has been submitted to this Court by a party, intervenor, or other participant.

7. Applicants acknowledge that the instant application comes after the date set by the Court for Participants to file Amicus Briefs, but request leave to submit such a brief under Rule 531 because the need to address the issues in the attached brief was not manifest until the round of briefs filed with this Court on February 14, 2022, were made available to the public.

8. Applicants do not believe the timing of their application will prejudice any party, intervenor, or participant of this action, as oral argument is not scheduled until February 21, 2022, Applicants do not wish to participate therein, and Applicants do not advocate for any one specific plan or map.

9. A copy of the proposed Amici Curiae brief Applicants seek leave to file is attached hereto as Exhibit "A".

WHEREFORE, proposed *amici curiae* respectfully request that this Court grant their Application for Leave to File an Amicus Brief.

Respectfully submitted,

By: Adam C. Bonin  
Adam C. Bonin (PA ID No. 80929)  
The Law Office of Adam C. Bonin  
121 South Broad Street, Suite 400  
Philadelphia, PA 19107  
Telephone: (267) 242-5014  
Facsimile: (215) 827-5300  
[adam@boninlaw.com](mailto:adam@boninlaw.com)  
*Attorney for Proposed Amici*

Dated: February 17, 2022

**IN THE SUPREME COURT OF PENNSYLVANIA**

**No. 7 MM 2022**

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Carol Ann Carter; Monica Parrilla; Rebecca Poyourow; William Tung; Roseanne Milazzo; Burt Siegel; Susan Cassanelli; Lee Cassanelli; Lynn Wachman; Michael Guttman; Maya Fonkeu; Brady Hill; Mary Ellen Balchunis; Tom DeWall; Stephanie McNulty; and Janet Temin, *Petitioners*

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**AMICUS BRIEF OF THE *DAVID VS. CHAPMAN* PETITIONERS  
REGARDING CALENDAR ISSUES**

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Adam C. Bonin (PA ID No. 80929)  
The Law Office of Adam C. Bonin  
121 South Broad Street, Suite 400  
Philadelphia, PA 19107  
Telephone: (267) 242-5014  
Facsimile: (215) 827-5300  
[adam@boninlaw.com](mailto:adam@boninlaw.com)  
Attorney for Petitioners

A quote often attributed to the late Senator Mo Udall of Arizona, apocryphally stated at the end of a hearing during the 1970s, goes something like this: “Everything that can be said about this subject has been said, just not everyone has said it.” Certainly, this Court may feel that way regarding the 2022 congressional redistricting questions at this point. Reams of exemplary briefing have already been submitted for its consideration.

Nonetheless, the David v. Chapman Petitioners submit this abbreviated brief to bring to this Court a necessary argument not yet advanced by any party or *amicus*: contrary to the arguments advanced by the Department of State (DOS) respondents, this Court should not feel constrained about moving the date of the General Primary election if this Court believes that the calendar proposed by DOS (a) is unworkable, or (b) raises constitutional issues of its own. And indeed, both are hazards here.

Accordingly, the David Petitioners humbly ask that this Court consider the following as it adjudicates this important matter.

## **I. INTERESTS OF AMICI**

*Amici* Charlene David, Rosamaria Telep, Jacqueline Pickering, Amy Bruckner, Colleen Gray Nguyen, Jessica Gittens, Tonya Morrow, Madeline Sweitzer, Kerry Milch, Joshua Ferris, and Gary Mintz are Petitioners in David v. Chapman, 22 MD 2022, currently pending in Commonwealth Court.

As outlined in the attached Petition for Review (Exhibit A), Petitioners reside in the most grievously malapportioned state Senate and House districts. The current state legislative reapportionment plan unconstitutionally dilutes the strength of their votes because they live in districts with populations which now are significantly

larger than those in which other voters live—as much as 21.1% larger than the new ideal district population on the House side, and 16.6% larger than the new ideal Senate district. The LRC Final Plan cures these malapportionment issues. If the LRC Final Plan is constitutional in all respects, it would violate Petitioners’ right to participate in Free and Equal Elections to continue to employ the prior decade’s map when common-sense scheduling adjustments could allow the 2022 Final Plan’s implementation now, and are seeking relief in the form of an adjusted elections calendar which affords this Court sufficient time to evaluate challenges<sup>1</sup> to the 2022 LRC Final Plan.<sup>2</sup>

*Amici* do not argue for the adoption of any particular calendar here, and wishes for the DOS proposal to be adopted if this Court believes the May 17 primary date can be maintained.<sup>3</sup> But if it does not, *amici* urge this Court to adopt an alternate calendar which shifts the date of the General Primary in order to accommodate the implementation of the 2022 LRC Final Plan, should this Court reject all challenges filed against it.

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<sup>1</sup> The first two such challenges have now been filed. *See* Covert v. 2021 Legislative Redistricting Commission, 4 WM 2022, and Benninghoff v. 2021 Legislative Redistricting Commission, 11 WM 2022, thus guaranteeing that there will not be a Final Plan with the force of law until weeks after the March 7, 2022 deadline for filing challenges.

<sup>2</sup> Last week, the DOS Respondents, in David, sought this Court’s grant of extraordinary jurisdiction to ensure that considerations pertaining to the state legislative calendar were considered simultaneously with the congressional calendar being considered in the instant matter. *See* 8 MM 2022. The David Petitioners joined in seeking such relief. Last Friday, this Court denied the application, citing its *per curiam* order dated February 9, 2022, suspending the nomination petition calendar for all races.

<sup>3</sup> Because the Special Master’s recommended calendar fails to accommodate the 2022 LRC Final Plan at all, it should be rejected on that basis. For the reasons expressed in the Petition for Review, the state constitution requires that the Final Plan be implemented this cycle if it is constitutionally compliant.

## II. ARGUMENT

The DOS Respondents' aversion to moving the General Primary date, while certainly grounded in a troubling shift in how certain United States Supreme Court Justices are interpreting the Elections Clause, is nonetheless overstated. The United States Supreme Court has regularly allowed state supreme courts to apply state constitutions to grant necessary relief in federal elections, and even in the heat of the 2020 elections cycle did not enjoin this Court's grant of a three-day ballot receipt extension pursuant to the Free and Equal Elections Clause.

Moreover, this Court may determine that maintaining the May 17, 2022 primary day is unworkable. *Amicus* City of Philadelphia Board of Elections has already informed this Court that it cannot implement the schedule proposed by DOS, and other Boards may likely concur. Moreover, its schedule is premised on rapid work by the state judiciary—both on evaluating federal and state redistricting plans, and in adjudicating challenges to candidate nomination petitions in all races as well as appeals to this Court—at a pace well beyond anything handled in previous election cycles. And the truncated time periods called for by the DOS Proposal may raise constitutional issues of its own, particular with regards to candidates' First Amendment right to a meaningful ballot access period.

In steering this elections ship between the *Scylla* of an Elections Clause challenge and the *Charybdis* of a calendar which may prove undesirable for other reasons, this Court should choose the path which best ensures a well-administered election by the sixty-seven county boards of election and the state judiciary, and which protects the right of citizens like the David Petitioners to Free and Equal



Elections, as well as the First Amendment rights of candidates and their supporters to gain access to the ballot.

A. The Elections Clause Challenge Is Overstated.

The DOS Respondents argue that there may be “a substantial possibility that a state-court decision moving the date of the primary election for a federal office would be challenged under the Elections Clause, see U.S. CONST. art. I, § 4, cl. 1.” DOS Brief at 2-3. That may be so. But a challenge is not a defeat, and a shift of this Commonwealth’s primary date is unlikely to be disturbed by the U.S. Supreme Court.

As a first reaction, to the extent that these apprehensions exist, the Elections Clause arguably is in play regardless because any Court-ordered shift or compression of the nominations petition calendar for federal offices from that enacted by the General Assembly already implicates the *manner* of federal elections, if not the time or place.

Beyond that, the Elections Clause argument around which DOS Respondents have crafted their proposed calendar is not one which a majority of the U.S. Supreme Court has itself adopted.

In Smiley v. Holm, 285 U.S. 355 (1932), the Court was asked whether legislation purporting to redistrict Minnesota for congressional elections was subject to the Governor's veto, with the Minnesota Supreme Court having held that the Elections Clause placed redistricting authority exclusively in the hands of the State's legislature, with no role for the Governor. The Court overturned that decision, holding that Minnesota’s legislative authority included the constitutional grant of a

governor’s veto and that nothing in the Elections Clause, “attempt[ed] to endow the legislature of the State with power to enact laws in any manner other than that in which the constitution of the State ha[d] provided that laws shall be enacted.” Id., at 368.

Indeed, in the reapportionment context, the Supreme Court has explicitly told federal courts to stay their hand vis-à-vis state judicial decisions. “In the reapportionment context, the Court has required federal judges to defer consideration of disputes involving redistricting where the State, through its legislative **or judicial branch**, has begun to address that highly political task itself.” Grove v. Emison, 507 U.S. 25, 33 (1993) (emphasis added). “We say once again what has been said on many occasions: reapportionment is primarily the duty and responsibility of the State through its legislature **or other body**, rather than of a federal court.” Id. at 34, quoting Chapman v. Meier, 420 U. S. 1, 27 (1975) (emphasis added).

Building off that, the Court affirmed in Branch v. Smith, 538 U.S. 254 (2003), that when a state is required to reapportion based on a change in delegation size, the state judiciary retains authority to take all necessary actions when the legislative process (as here) has failed to yield an enacted congressional plan. Writing for the Court, Justice Scalia explained that while the federal provision mandating single-member congressional districts “assuredly envisions legislative action, it also embraces action by state and federal courts when the prescribed legislative action has not been forthcoming.” Id. at 272.

This concept, that the “Legislature” includes whatever means the state constitution has adopted for the power to enact laws, has carried forward to the present day. In Ariz. State Legislature v. Ariz. Indep. Redistricting Comm'n, 135 S.Ct. 2652 (2015), the Court denied an Elections Clause argument which claimed that a citizen ballot measure to create an independent congressional redistricting commission, as enabled by the state constitution, violated the sole authority of the “Legislature” to regulate congressional elections. Writing for the Court, Justice Ginsburg noted that a litany of state constitutional provisions across America, enacted by the people of each state, served as valid constraints on the power of the Legislature to regulate federal elections.

The people, in several States, functioning as the lawmaking body for the purpose at hand, have used the initiative to install a host of regulations governing the “Times, Places and Manner” of holding federal elections. Art. I, § 4. For example, the people of California provided for permanent voter registration, specifying that “no amendment by the Legislature shall provide for a general biennial or other periodic reregistration of voters.” Cal. Elec. Code Ann. § 2123 (West 2003). The people of Ohio banned ballots providing for straight-ticket voting along party lines. Ohio Const., Art. V, § 2a. The people of Oregon shortened the deadline for voter registration to 20 days prior to an election. Ore. Const., Art. II, § 2. None of those measures permit the state legislatures to override the people's prescriptions. The Arizona Legislature's theory—that the lead role in regulating federal elections cannot be wrested from “the Legislature,” and vested in commissions initiated by the people—would endanger all of them.

The list of endangered state elections laws, were we to sustain the position of the Arizona Legislature, would not stop with popular initiatives. Almost all state constitutions were adopted by conventions and ratified by voters at the ballot box, without involvement or approval by “the Legislature.” Core aspects of the electoral process regulated by state constitutions include voting by “ballot” or “secret ballot,” voter registration, absentee voting, vote counting, and victory thresholds.

Id. at 2676-77. To be sure, in that case and in others, there have been dissenting justices. But never a majority. As this Court is well aware, in Republican Party of Pa. v. Boockvar, \_\_\_ U.S. \_\_\_, 141 S. Ct. 643 (2020) (mem.), there were only four justices willing to grant a stay of this Court’s ruling which extended the mail ballot receipt deadline by three days. Even after the election, no majority existed to grant a writ of certiorari to review these questions in a calmer, post-election context.<sup>4</sup>

Moreover, the closer we get to the primary election, the less likely the Court is to intervene here. Just last week, the U.S. Supreme Court stayed a federal district court injunction in Alabama which was claimed to have fomented chaos by making late changes to the state’s congressional map seven weeks in advance of the start of absentee voting—changes which were not required by a change in the size of the state’s congressional delegation, and which could still be implemented for the 2024 elections cycle—and which did not alter the primary date itself to accommodate

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<sup>4</sup> See generally Petition for Writ of Certiorari, Corman v. Pa. Democratic Party, 592 U.S. \_\_\_, 141 S. Ct. 732 (2021) (mem.) (No. 20-574); Petition for Writ of Certiorari, Republican Party of Pa. v. Degraffenreid, 592 U.S. \_\_\_, 141 S. Ct. 732 (2021) (mem.) (No. 20-542); Petition for a Writ of Certiorari, Bognet v. Degraffenreid, \_\_\_ U.S. \_\_\_, 209 L. Ed. 2d 544 (2021) (mem.) (No. 20-740), 2021 WL 1520777. The Court declined to grant certiorari in the first two cases; in Bognet, the Court granted certiorari in order to vacate the ruling below, and instructing the lower court to dismiss the case as moot.

those changes. See Merrill v. Milligan, 595 U.S. \_\_\_, Nos. 21A375 and 21A376 (Feb. 7, 2022). Concurring in the grant of stay, Justices Kavanaugh and Alito noted the challenges in implementing a new map seven weeks before the start of absentee voting, without giving candidates and elections officials sufficient time to adjust:

The State says that those individuals and entities now do not know who will be running against whom in the primaries next month. Filing deadlines need to be met, but candidates cannot be sure what district they need to file for. Indeed, at this point, some potential candidates do not even know which district they live in. Nor do incumbents know if they now might be running against other incumbents in the upcoming primaries.

On top of that, state and local election officials need substantial time to plan for elections. Running elections statewide is extraordinarily complicated and difficult. Those elections require enormous advance preparations by state and local officials, and pose significant logistical challenges. The District Court's order would require heroic efforts by those state and local authorities in the next few weeks—and even heroic efforts likely would not be enough to avoid chaos and confusion.

For those and other reasons, the State says that any judicial order requiring the State to redraw its congressional district lines should not apply to the imminent 2022 elections that begin next month.

Id., slip op. at 3. Here, because Pennsylvania is *required* to redraw congressional lines, the reverse is now true: once this Court adopts a congressional map and reviews challenges to the LRC Final Plan—both of which it is required to do by the U.S. and Pennsylvania Constitution—any subsequent move under the

Elections Clause to disrupt the primary date this Court adopts violates the very principles and real-world implementation concerns which the U.S. Supreme Court just highlighted. Indeed, Justices Kavanaugh and Alito fairly explicitly indicated why they would be constrained against overturning any calendar changes implemented by this Court, especially those implemented for the purpose of avoiding electoral chaos:

As the Court has often indicated, however, that traditional test for a stay does not apply (at least not in the same way) in election cases when a lower court has issued an injunction of a state's election law in the period close to an election. See Purcell, 549 U. S. 1. This Court has repeatedly stated that federal courts ordinarily should not enjoin a state's election laws in the period close to an election, and this Court in turn has often stayed lower federal court injunctions that contravened that principle. [String cite deleted.]

That principle—known as the Purcell principle—reflects a bedrock tenet of election law: When an election is close at hand, the rules of the road must be clear and settled. Late judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others. **It is one thing for a State on its own to toy with its election laws close to a State's elections.** But it is quite another thing for a federal court to swoop in and re-do a State's election laws in the period close to an election.<sup>1</sup>

FN1: How close to an election is too close may depend in part on the nature of the election law at issue, and how easily the State could make the change without undue collateral effects. Changes that require complex or disruptive implementation must be ordered earlier than changes that are easy to implement.

Id. at 4-5 (emphasis added).<sup>5</sup> Accordingly, if this Court believes it is necessary to shift the General Primary date, it should do so.<sup>6</sup> For the reasons expressed in the next section, it may have to.

B. The DOS's Proposed Calendar May Not Be the Best Solution.

1. **The DOS Proposed Calendar may be infeasible to implement.**

*Amicus* City of Philadelphia Board of Elections has already brought to this Court's attention various issues pertaining to its own ability to adhere to the proposed DOS Calendar. There is no need to restate them here. Other counties may have similar objections.

Equally important, however, are issues relating to the state judiciary's ability to adhere to the proposed calendar. DOS proposes the following deadline for various judicial tasks, each of which may constrain this Court's and the Commonwealth Court's ability to adjudicate necessary matters beyond what is proper or feasible:

- **Deadline for this Court to adopt a final Congressional plan, following oral argument: 9 days (February 27, 2022).**

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<sup>5</sup> This Court may take judicial notice of the fact that the North Carolina Supreme Court has already ordered a change in its 2022 general primary date to accommodate congressional redistricting, and no party sought certiorari on that question to the United State Supreme Court. *See Harper v. Hall*, No. 43P21 (N.C. Dec. 8, 2021), attached as Exhibit B.

<sup>6</sup> To be clear, *Amici* join the parties in seeking a single primary election day for all races, without bifurcation. Beyond the profound implementation issues raised by *amicus* Philadelphia Board of Elections and others, the General Assembly has manifested via the Election Code its preference for a single primary date for all elections, and this preference can and should be respected. *See* 25 P.S. § 2753.

**First day to circulate and file nomination petitions (statewide, congressional):** 2 days later (March 1, 2022)

In fashioning the 2018 remedial congressional plan, this Court required only four days from the submission of proposed remedial districting plans until it adopted the remedial plan its special master had developed, but then allowed eight days for congressional candidates and their supporters to determine next steps, including the district in which they should run, before the start of nomination petitions.

DOS has argued that this period can be shortened by not populating its computerized tool for generating nomination petitions with the counties assigned to each district, but two days is still a tight window for candidates to make such decisions.

- **Last day that may be fixed by the Commonwealth Court for hearings on objections that have been filed to nomination petitions (statewide, congressional):** 3 days after deadline to file objections (March 25, 2022).

**Last day for the Commonwealth Court to render decisions in cases involving objections to nomination petitions (statewide, congressional):** 8 days after deadline to file objections (March 30, 2022).

As this Court is aware, based on the Commonwealth Court's Scheduling and Case Management Orders, Objectors in such cases are often afforded seven days to locate and serve the Candidate. Following that, the Parties are required to meet and confer at the county boards of elections to stipulate on a line-by-line basis as to the scope of actual dispute before the Court.

Even when able counsel is involved, this can be a time-consuming task. *See Costa et al* Brief at 53-54 (citing multiple recent cases requiring 6-7 weeks to resolve, some including appeal to this Court).<sup>7</sup>

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<sup>7</sup> Indeed, one particular recent line-by-line objection to congressional nomination petitions, involving experienced counsel and active pretrial administration from the Court, required 38 days from filing to resolution. This included weeks of diligent meeting-and-conferring between multiple representatives of both parties, and culminated with three consecutive days of 12-hour hearings.



- **Last day that may be fixed by the Commonwealth Court for hearings on objections that have been filed to nomination petitions (state legislature):** 3 days after deadline to file objections (April 7, 2022).

**Last day for the Commonwealth Court to render decisions in cases involving objections to nomination petitions (state legislature):** 10 days after deadline to file objections (April 12, 2022).

See above. Even under the best of circumstances, even with Senior Judges being employed in to supplement a full Commonwealth Court, these cases take time to adjudicate, and there are often many of them. A review of the Commonwealth Court's 2020 miscellaneous docket yields a list of 49 total objection cases filed against nomination petitions; in 2018, there were 44 cases.

Accordingly, this Court may determine that the DOS Calendar proposal is not optimal for implementation.<sup>8</sup>

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*See In re Nom. Pet. of Lindy Li*, 150 M.D. 2016 (Brobson, J.). As the candidate ultimately withdrew her petitions, no written opinion was required, which would have extended the process even further.

<sup>8</sup> In considering calendar issues, this Court should be aware that the state legislative races themselves are not the only contests on the 2022 primary ballot whose status is in limbo based on the implementation of a Congressional Plan and the LRC Final Plan. To avoid confusion, the calendar should also align the calendar for nomination of members of the Democratic and Republican State Committees with the calendar set for state legislative offices.

Under Rule III(2)(g) of the Rules of the Pennsylvania Democratic Party, state committee members being elected this year from Philadelphia and Allegheny Counties are apportioned and elected based on state senate district, and not county-wide. Similarly, under Rule 2.3 of the Rules of the Pennsylvania Republican Party, its state committee people in certain larger counties are elected based on state legislative districts, and in others based upon congressional districts, while the remainder are elected on a county-wide basis.

*See* <https://www.padems.com/wp-content/uploads/2018/06/Pennsylvania-Democratic-Party-2018-Bylaws.pdf> (PA Democratic Party bylaws);

<https://www.electionreturns.pa.gov/Home/OfficeResults?OfficeID=21&ElectionID=63&ElectionType=P&IsActive=0> (PA Democratic Party state committee results, 2018)

[https://www.pagop.org/wp-content/uploads/2016/05/PAGOP-Bylaws\\_9.25.15.pdf](https://www.pagop.org/wp-content/uploads/2016/05/PAGOP-Bylaws_9.25.15.pdf) (PA Republican Party bylaws);

## **2. Additional constitutional reasons may argue against adopting the DOS Calendar.**

Finally, while the DOS Calendar may avoid certain constitutional risks, it may nonetheless invite others. In particular, while *amici* reach no conclusion whatsoever as to whether a nine-day window for circulation of nomination petitions for the state legislature violates any constitutional right, it would be non-frivolous for future litigants to argue that signature thresholds which are reasonable for a 21-day circulation window become unduly burdensome upon candidates' and their supporters' First Amendment rights when only a 9-day-window is afforded. *See, e.g., New York State Bd. Of Elections v. López Torres*, 128 S.Ct. 791, 798-99 (2008); *American Party of Texas v. White*, 415 U.S. 767, 782-87 (1974). Such litigation might further delay the resolution of the composition of the primary ballot before the counties can prepare for the election.

### **III. CONCLUSION**

The Pennsylvania Constitution requires that if the 2022 LRC Final Plan is valid, it must be implemented this election cycle to avoid unconstitutional malapportionment via the dilution of votes by citizens such as the David Petitioners. Accordingly, any election calendar adopted by this Court should accommodate its resolution of challenges against the Final Plan. If this Court determines that doing so requires that the date of the General Primary be moved, or that other

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<https://www.electionreturns.pa.gov/Home/OfficeResults?OfficeID=22&ElectionID=63&ElectionType=P&IsActive=0> (PA Republican Party state committee results, 2018)

considerations render the DOS Calendar or any calendar premised on a May 17 primary to be infeasible, it should not hesitate to move the primary date.

Respectfully submitted,

By: Adam C. Bonin  
Adam C. Bonin (PA ID No. 80929)  
The Law Office of Adam C. Bonin  
121 South Broad Street, Suite 400  
Philadelphia, PA 19107  
Telephone: (267) 242-5014  
Facsimile: (215) 827-5300  
[adam@boninlaw.com](mailto:adam@boninlaw.com)  
*Attorney for Amici*

Dated: February 17, 2022

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

Charlene DAVID, Rosamaria TELEP, Jacqueline PICKERING, Amy BRUCKNER, Colleen Gray NGUYEN, Jessica GITTENS, Tonya MORROW, Madeleine SWEITZER, Kerry MILCH, Joshua FERRIS, and Gary MINTZ,  
*Petitioners,*

No.

**ELECTION MATTER**

v.

LEIGH CHAPMAN, in her official capacity as the Acting Secretary of the Commonwealth of Pennsylvania; JESSICA MATHIS, in her official capacity as Director for the Pennsylvania Bureau of Election Services and Notaries,  
*Respondents.*

**NOTICE**

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

Usted ha sido demandado en corte. Si usted desear defender el reclamo puesto en contra suya en las siguientes paginas, tiene que tomar accion inmediatamente. Se la advierte que si falla en hacerlo, el caso puede ser procesado sin su de usted por la corte. Un juicio tambien puede ser registrado en contra de usted por la corte. Un juicio tambien puede ser registrado en su contra por cualquier otro reclamo o peticion requerida en estos papeles por el querellante. Usted puede perder dinero, propiedad otros derechos importantes para usted

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

USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE, SI USTED NO TIENE UN ABOGADO O NO PUEDE PAGAR POR LOS SERVICIOS DE UNO, VAYA O LLAME A LA OFICINA INDICADA, PARA AVERIGUAR DONDE PUEDA OBTENER ASISTENCIA LEGAL.

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Lawyer Referral Service  
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Harrisburg, PA 17101  
(717) 232-7536

Colegio de Abogados de Condado de Dauphin  
Abogado Servicio de Referencia  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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*Petitioners,*

v.

LEIGH CHAPMAN, in her official capacity as the Acting Secretary of the Commonwealth of Pennsylvania; JESSICA MATHIS, in her official capacity as Director for the Pennsylvania Bureau of Election Services and Notaries,

*Respondents.*

No.

**ELECTION MATTER**

**PETITION FOR REVIEW**

Our Commonwealth stands on the precipice of political and constitutional crisis.

Because of the careful efforts made by the Legislative Reapportionment Commission (“LRC”) to enact a constitutional state legislative redistricting plan and receive comprehensive public input, following the delayed transmission of census data from the United States Commerce Department last summer, the LRC has prepared its preliminary plan, conducted public hearings and received feedback, and will adopt a Final Plan in the coming days. Under the state constitution, the inevitable challenges to this plan can be filed with the Supreme Court of Pennsylvania over the ensuing thirty days, which historically has required weeks, at a minimum, to

adjudicate such claims. Once the Supreme Court has finally ruled against all appeals or the last day for filing an appeal has passed with no appeal taken, only then does the LRC Final Plan have the force of law.

Unfortunately, that process runs headfirst into the Commonwealth's primary election calendar. Under state law, the Primary Election will be held on May 17 and accordingly, candidate nomination petitions are scheduled to circulate from February 15 through March 7, thirteen to ten weeks prior to the primary. Therefore, come February 15, neither candidates for state legislative office nor their supporters will know which map is in effect for 2022—the existing plan from 2012, or the LRC Final Plan? And given the time the Court may require to adjudicate challenges to the map, this likely cannot even be resolved by the deadline for filing nomination petitions with the Department of State.

The General Assembly is best-positioned to address this morass, but House leadership has abdicated their responsibilities—the House Majority Leader recently stated that he is “not willing to entertain” any changes to the calendar. With the General Assembly refusing, the judiciary must take action as it has in the past—because both the United States Constitution and Pennsylvania Constitution require that the statutory timeline yield to present realities. If the LRC has enacted a constitutional redistricting plan, it should be allowed to take effect this year.

Petitioners herein are Pennsylvania residents who will be injured if a constitutional Final Plan is prevented from taking effect because of this calendar. As this Petition will review, Petitioners reside in districts in which their right to equal

representation under the one-person, one-vote principle has been abridged over time as their districts have grown in population more swiftly than others. With the enactment of a constitutional LRC Final Plan, their ability to participate in free and equal elections would be restored.

Petitioners therefore file this suit to protect their legal rights and to ensure that this Court can enter all necessary relief, in the form of adjustments to the 2022 primary calendar to accommodate the Supreme Court’s consideration of the LRC Final Plan, and in support thereof aver as follows.

**PARTIES**

1. The Petitioners are as follows. Each is a registered Pennsylvania voter who resides in a State House or Senate District (or both) which presently is at least 10% more populous than the target district population for decennial redistricting:

<b>Petitioner</b>	<b>City/Borough/Twp and County of Residence</b>	<b>Current Malapportioned District(s)</b>
Charlene David	Pleasant Hills, Allegheny County	SD 37
Rosamaria Telep	Mt. Lebanon, Allegheny County	SD 37
Jacqueline Pickering	Uwchlan Twp. (Exton), Chester County	HD 155
Amy Bruckner	Upper Uwchlan Twp. (Downingtown), Chester County	HD 155
Colleen Gray Nguyen	East Pennsboro Twp. (Enola), Cumberland County	HD 87
Jessica Gittens	Hampden Twp., Cumberland County	HD 87
Tonya Morrow	Allentown, Lehigh County	SD 16
Madeleine Sweitzer	Philadelphia	SD 1, HD 182

Kerry Milch	Philadelphia	SD 1, HD 182
Joshua Ferris	Philadelphia	SD 1, HD 181
Gary Mintz	Philadelphia	SD 1, HD 175

2. Respondent Leigh Chapman is the Acting Secretary of the Commonwealth and is sued in her official capacity only. In that capacity, Acting Secretary Chapman is charged with general supervision and administration of Pennsylvania’s elections and election laws. Acting Secretary Chapman is Pennsylvania’s Chief Election Official and a member of the Governor’s Executive Board. Among her numerous responsibilities in administering elections, Acting Secretary Chapman is responsible for preparing the form for candidate nomination petitions for all state offices, receiving candidate nomination petition and affidavit filings, and examining said filings for material errors or defects 25 P.S. §§ 2867-73, 2936.

3. Respondent Jessica Mathis is the Director for the Bureau of Election Services and Notaries, a branch of the Pennsylvania Department of State, and she is sued in her official capacity only. In this capacity, Director Mathis is charged with supervising and administering the Commonwealth’s elections and electoral process, including the candidate nomination process. The Bureau of Election Services and Notaries is responsible for planning, developing, and coordinating the statewide implementation of the Election Code.

**JURISDICTION**

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



## HOW PENNSYLVANIA REDISTRICTS

5. Under the Pennsylvania Constitution, state legislative reapportionment occurs every ten years, and is accomplished through a five-member independent body. The Legislative Reapportionment Commission (“LRC”) was created via the Constitutional Convention of 1967-68 and is codified as Article II, section 17 of the Pennsylvania Constitution.

6. Article II, section 17 sets a series of mandatory deadlines for the redistricting process. In particular:

- a. **Section 17(c): The LRC must certify a preliminary reapportionment plan within 90 days after the necessary census data is deemed available.** This cycle, the LRC resolved that it had received the necessary data in a usable format, and thus it became “available” to the Commission for redistricting purposes, on October 14, 2021. *See* LRC Resolution 6A. The LRC adopted its preliminary plan via a pair of votes on December 16, 2021.
- b. **Section 17(c): The LRC shall have 30 days after filing the preliminary plan to make corrections in the plan, and any person aggrieved by the preliminary plan shall have the same 30-day period to file exceptions with the commission.** Given weekends and the Martin Luther King Jr. holiday observance, that deadline fell on Tuesday, January 18, 2022.
- c. **Section 17(c): If exceptions are filed, the LRC shall have 30 days after the date the exceptions were filed to prepare and file a revised reapportionment plan.** Exceptions have already been filed, and hearings held on them; the LRC has until February 17, 2022 to resolve them, but likely will act sooner.
- d. **Section 17(d): Any aggrieved person may file an appeal from the final plan directly to the Supreme Court within 30 days after the filing thereof.** Once the LRC adopts a Final Plan, this

date will be determined. As of the date of this filing, the deadline for filing appeals can be no sooner than February 21, 2022.

- e. **Section 17(e). When the Supreme Court has finally decided all appeals, or the last day for filing an appeal has passed with no appeal taken, the reapportionment plan shall have the force of law and the districts therein provided shall be used thereafter in elections to the General Assembly until the next reapportionment.** But until that day on which the Court determines that the LRC Final Plan is constitutional, it does not have the force of law.

### **THE NOMINATION TIMELINE FOR MAJOR PARTY CANDIDATES**

7. Under Pennsylvania law, the 2022 primary election will be held on May 17, 2022, the third Tuesday in May. *See* 25 P.S. §2753(a).

8. Accordingly, candidate nomination petitions for the state legislature and other offices on the 2022 ballot may circulate only from February 15 through March 7, the 13<sup>th</sup> Tuesday through 10<sup>th</sup> Tuesday prior to the primary, and nomination petitions, along with other required filings and fees, shall be filed on or before that 10<sup>th</sup> Tuesday. *See* 25 P.S. §§ 2868, 2873(d).

9. Challenges to candidate nomination petitions must be filed with the Commonwealth Court and Secretary of the Commonwealth by seven days after the last day for filing nomination petitions, March 14. *See* 25 P.S. § 2937. These matters must be resolved by Commonwealth Court expeditiously. Id.

10. Because of Act 77's introduction of no-excuse mail-in voting, there are new pressures on this timeline. Under 25 P.S. § 3150.15, the county boards of elections are directed to deliver or mail official mail-in ballots as soon as a ballot is certified and the ballots are available, and in any event not later than the second

Tuesday prior to the primary. Given ballot printing and mailing times, including ballot return mailing, finalizing the ballot promptly is of utmost importance given how widely adopted mail-in voting has become.

### **THE NEED FOR A NEW LEGISLATIVE REAPPORTIONMENT PLAN**

11. The Pennsylvania Constitution requires that every ten years, the LRC divide the Commonwealth “into 50 senatorial and 203 representative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable.” Pa. Const’n. Art. II, §§ 16-17.

12. As Pennsylvania’s population has grown and shifted over the past decade, the need for reapportionment is palpable.

13. This past August, the U.S. Secretary of Commerce delivered census block results of the 2020 Census, which the LRC employs for its constitutional task. The data is commonly referred to as “P.L. 94-171 data,” a reference to the legislation enacting this process. *See* Pub. L. No. 94-171, 89 Stat. 1023 (1975).

14. The data confirms that the current legislative reapportionment scheme, while constitutional at its enactment in 2012, is now unconstitutionally malapportioned. *See Arrington v. Elections Bd.*, 173 F. Supp. 2d 856, 860 (E.D. Wis. 2001) (three-judge court) (explaining that “existing apportionment schemes become instantly unconstitutional upon the release of new decennial census data” (internal quotation marks omitted)).

15. These changes render Pennsylvania’s current state legislative districts both unlawful and unconstitutional. The population equality required to be pursued

by Pa. Const'n. Art. II, § 16, is no longer in place for Petitioners, or for the residents of this Commonwealth generally in 2022.<sup>1</sup>

16. This Chart shows the five most malapportioned House districts under the legislative redistricting plan currently in effect, comparing their current populations with the current target of 64,053 residents per district, per 2020 Census data:

<b>Current District</b>	<b>Location</b>	<b>2020 Population</b>	<b>Deviation from Target Size</b>	<b>Dev %</b>
182	Philadelphia (Center City West, Washington Square West)	77,567	+13,514	21.1%
87	Cumberland County (Camp Hill, East Pennsboro)	74,280	+10,227	16.0%
181	Philadelphia (North Philadelphia)	73,898	+9,845	15.4%
155	Chester County (central townships)	73,652	+9,599	15.0%
175	Philadelphia (Fishtown/Center City/Queen Village)	72,169	+8,116	12.7%

17. By way of comparison, the following five House districts each have at least 11.7% *fewer* voters than the current district target population of 64,053 residents; their residents' individual votes thus each carry far more weight than those listed in the prior paragraph.

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<sup>1</sup> In Holt v. 2011 LRC, 67 A. 3d 1211 (Pa. 2013) (“Holt II”), the Supreme Court of Pennsylvania confirmed that while the federal law may permit a population deviation range of up to 10%, the Pennsylvania Constitution does not. “Section 16 of Article II of the Pennsylvania Constitution does not speak of a 10% deviation range; it requires districts ‘as nearly equal in population as practicable.’” Id. at 1239.

<b>Current District</b>	<b>Location</b>	<b>2020 Population</b>	<b>Deviation from Target Size</b>	<b>Dev %</b>
123	Schuylkill County (partial)	55,191	-8,862	-13.84%
64	Venango County (all), Butler County (partial)	56,239	-7,814	-12.20%
50	Greene County (all), Fayette and Washington Counties (partial)	56,330	-7,723	-12.06%
63	Clarion County (all), Armstrong and Forest Counties (partial)	56,417	-7,636	-11.92%
49	Fayette and Washington Counties (partial)	56,512	-7,541	-11.77%

18. For the State Senate, the following Chart shows the three most malapportioned Senate districts under the legislative redistricting plan currently in effect, compared with the target of 260,054 residents per district per current Census data

<b>Current Senate District</b>	<b>Location</b>	<b>2020 Population</b>	<b>Deviation from Target Size</b>	<b>Dev %</b>
1	Philadelphia (Center City, South Philadelphia, River Wards)	303,227	+43,173	16.6%
37	Allegheny County (western municipalities), Washington County (Peters Twp.)	289,871	+29,817	11.5%
16	Lehigh County (City of Allentown, majority of county)	284,566	+24,512	9.4%

19. And by way of comparison, the following three Senate districts each have at least 9.5% fewer voters than the current district target population of 260,054

residents; their residents’ individual votes thus each carry far more weight than those listed in the prior paragraph.

<b>Current Senate District</b>	<b>Location</b>	<b>2020 Population</b>	<b>Deviation from Target Size</b>	<b>Dev %</b>
50	Crawford and Mercer Counties (all), Erie and Warren Counties (partial)	230,305	-29,749	-11.4%
41	Armstrong and Indiana Counties (all), Butler and Westmoreland Counties (partial)	233,994	-26,060	-10.0%
23	Bradford, Lycoming, Sullivan, and Union Counties (all), and Susquehanna County (partial)	235,354	-24,700	-9.5%

20. If used in any future election, the current state legislative reapportionment plan would unconstitutionally dilute the strength of Petitioners’ votes because they live in districts with populations which are significantly larger than those in which other voters live.

**THE LOOMING CRISIS**

21. Per the Department of State, we are already behind schedule. Veronica Degraffenreid, then-Acting Secretary of the Commonwealth, most recently explained the problem via letter to the four legislative leaders and LRC Chair on December 21, 2021. In that letter, Acting Secretary Degraffenreid reviewed the current primary

calendar, including the February 15-March 7 dates for nomination petition circulation and explained the problem:

Those dates, however, presuppose that potential candidates know the legislative districts within which they plan to run. Candidates must know the size and shape of legislative districts, as only registered voters in a district are eligible to sign nomination petitions for those seeking office in their legislative district.

The problem is that the combination of LRC hearings, consideration of those comments by the LRC, and final plan release, will impact both the above dates as well as the follow-on event dates in the election cycle, including deadlines for candidates to withdraw, the adjudication of objections to individual nomination petitions, the preparation and delivery of balloting materials for military and overseas voters, and subsequent activities related to ballot preparation for the Primary.

These problems are exacerbated by other factors. In my June 28, 2021, letter I noted that three weeks of lead time before circulation of nomination petitions was required for counties to properly update voter registration files to ensure voters were assigned to revised election districts. That estimate was based on discussions with county election offices. The start of those three weeks begins after the date highlighted in my June letter as the date by which the Department needs a final map to be effective: January 24, 2022. This date is a mere week after the deadline date (January 18, 2022) for the filing of exceptions with the LRC. And the whole process will be further impacted by the time necessary to file and consider any appeals to the Pennsylvania Supreme Court of the final reapportionment plan. In short, it will not be possible to comply with the constitutionally mandated timeline for the finalization of the reapportionment plan, and the current statutorily established deadlines for the beginning of petition

circulation period and other subsequent deadlines leading up to the primary.

*See* Exhibit A, Degraffenreid Letter.

22. The LRC itself is not responsible for this delay. Instead, fault primarily lies with the United States Commerce Department. Under federal law, the P.L. 94-171 data to be used by the states for redistricting legislative and congressional seats was due to the states no later than April 1, 2021. *See* 13 U.S.C. § 141 (“basic tabulations of population of each other State, shall, in any event, be completed, reported, and transmitted to each respective State within one year after the decennial census date.”)

23. In previous decades, this data has been provided to the states on a rolling basis, starting at least six weeks prior to the deadline. Pennsylvania had such data on March 9, 2011 for the prior redistricting cycle. *See* Holt vs. 2011 Legislative Reapportionment Comm’n, 38 A.3d 711, 719 (Pa. 2012) (“Holt I”).

24. In 2021, this data was not made available to the LRC until August 12, 2022, five months later, and was not deemed to be in a usable format for redistricting purposes until October 14, 2021. *See* LRC Resolution 6A, adopted October 25, 2021, available online at <https://www.redistricting.state.pa.us/resources/Press/2021-10-25%20Resolution%206A.pdf>

25. From that point, the LRC moved with considerable speed. Afforded up to 90 days under the Pennsylvania Constitution to adopt a preliminary plan, they required 63 days instead.



26. Under the Pennsylvania Constitution, as previously noted, any person aggrieved by the preliminary plan had until Tuesday, January 18, 2022 to file exceptions with the LRC. Even if the LRC had moved the very next day to consider all objections and prepare and file a revised, final apportionment plan, objectors would still have until Friday, February 18 to file appeals of the Final Plan with the Supreme Court of Pennsylvania, which will at a minimum require weeks to adjudicate such claims.

27. As of the time of this filing, the LRC has not publicly announced when it will next hold a public session to adopt its Final Plan. But whatever date it is, the deadline for filing appeals of the Final Plan will fall after the scheduled start for the circulation of nomination petitions.

28. Appeals of the final plan are inevitable. Every Final Plan adopted by the LRC since its inception has faced a double-digit number of appeals to the Supreme Court of Pennsylvania, as permitted by Article II, §17(d) of the Pennsylvania Constitution.

<b>Year</b>	<b>Number of Appeals Adjudicated</b>	<b>Supreme Court of Pennsylvania Decision Resolving Appeals</b>
1972	18	<u>Com. ex rel. Specter v. Levin</u> , 448 Pa. 1 (1972)
1982	29	<u>In re Reapportionment Plan for the Pa. General Assembly</u> , 442 A. 2d 661 (1982)
1992	25	<u>In re 1991 Pa. Legislative Reapportionment</u> , 609 A. 2d 132 (1992)

2002	11	<u>Albert v. 2001 LRC</u> , 790 A. 2d 989 (2002)
2012 (initial plan)	12	<u>Holt v. 2011 LRC</u> , 38 A.3d 711 (2012) (“ <u>Holt I</u> ”)
2012 (revised plan)	13	<u>Holt v. 2011 LRC</u> , 67 A. 3d 1211 (2013) (“ <u>Holt II</u> ”)

29. This year promises to be no exception. Already, House Republicans are insisting that the preliminary plan constitutes an unconstitutional partisan gerrymander; their next step is squarely ordained. *See, e.g.*, Jonathan Lai and Julia Terruso, “Pennsylvania Republicans are going on the attack against a new map for state House districts,” *The Philadelphia Inquirer* (Dec. 22, 2021) (“‘This map needs to go,’ Rep. Seth Grove (R., York) said at a news conference Tuesday. ‘They need to redo the entire thing to make sure we do not have unconstitutional districts done for partisan gerrymandering.’”) This Court does not need a weatherman to know which way the wind blows, and it need not wait for it to start raining before it secures an umbrella. The forecast is unmistakable.

30. The General Assembly, given its constitutional role, would ordinarily be the place to seek remedy. However, the House Majority leadership has made clear that they have no interest in accommodating these concerns, seeming to prefer causing a trainwreck to averting one.

31. Rep. Grove, chair of the House State Government Committee, has expressly stated his desire to carry the existing state legislative maps forward for an additional election cycle, while causing untold chaos as to Congressional elections in 2022:



Rep. Seth Grove - "the Architect" ✓  
@RepGrove

...

We aren't moving the primary.

Remedies are already provided for:

(1) Previous courts ruled state legislators can run on their current maps.

(2) Federal law is clear: if no Congressional maps then all 17 districts will run statewide w/ the same nomination process as Gov.

8:08 AM · Dec 22, 2021 · Twitter for iPhone

12 Retweets 21 Quote Tweets 26 Likes

<https://twitter.com/RepGrove/status/1473641665315356674>

32. Similarly, Jonathan Lai, Philadelphia Inquirer data and democracy reporter, recounted his interview with PA House Majority Leader Kerry Benninghoff in a series of tweets on January 7, 2022:

As the clock ticks on getting political maps in place by the May primary, and the Dept of State warns of blown deadlines, PA House Majority Leader Kerry Benninghoff (R., Centre) says he's "not willing to entertain" moving the date right now.

When it comes to the state legislative maps, Benninghoff blames the delay on the redistricting commission's decision — which he and Senate Majority Leader Kim Ward (R., Westmoreland) opposed — to reallocate prison inmates to their previous addresses, which took time.

"I would say that this is kind of a manufactured crisis that says all of a sudden this is a major problem, we need to

make this date change,” Benninghoff said in an interview. “And I would say this is a result, actually, of different priorities.”

Benninghoff: “So at this point, I don’t see the need to be moving a primary, and I don’t plan on doing it.”

See <https://twitter.com/Elajjuh/status/1479594613631504385>

33. That same day, the Associated Press also captured the state of affairs as to the possibility of legislative action, and focused on the impact of inaction on election administration:

A court battle looks inevitable, potentially shortening the primary campaign period for candidates for Congress and the Legislature and squeezing the timeline for counties to finalize and mail out ballots....

“State government is failing us again,” said Forrest Lehman, Lycoming County's elections director....

Gov. Tom Wolf’s administration has asked for maps by Jan. 24, three weeks before state law allows the start of signature gathering on Feb. 15. From there, it is 13 weeks to the primary election — the maximum under state law — but even that is a tight window for counties, election officials say.

The 13 weeks are barely enough for courts to settle challenges to candidate petitions and for counties to update voter rolls, prepare voting machines and finalize, print and mail out ballots to voters requesting them, county officials say.

In 1992, a partisan stalemate over a new congressional map landed in court. The state Supreme Court kept the primary election date unchanged, but the court case compressed the 13-week period down to seven weeks.

Thirty years later, mail-in voting has made elections far more complicated and time-consuming to run, and election departments are seeing veteran administrators leave because of the growing pressures.

“Even if we have the full amount of time, it’s going to be rough,” said Marybeth Kuznik, Fayette County’s election director. “But if we have less time, it’s going to be extra rough.”

If protracted litigation happens, it would be better to delay the primary election date and avoid confusion among candidates and voters, Kuznik said.

Senate Majority Leader Kim Ward, R-Westmoreland, said moving the May 17 primary is a “last resort” while House Majority Leader Kerry Benninghoff, R-Centre, called it “unacceptable and, frankly, unnecessary.”

Al Schmidt, a former Philadelphia election commissioner who is now president and CEO of the good-government group Committee of Seventy, said lawmakers and judges have never been particularly sensitive to the time and predictability election administrators need to carry out an election.

“The courts and the Legislature just assume it will work out,” Schmidt said. “But it can have catastrophic consequences when it doesn’t work out, when it is rushed or when voters get the wrong ballot or when a name is misspelled on a ballot, especially in an environment where everyone assumes when a mistake occurs it is due to nefarious reasons.”

*See* Marc Levy, “Stalemates, court battles could squeeze Pennsylvania's primary election.” (Associated Press, January 7, 2022), accessed online via <https://www.wesa.fm/politics-government/2022-01-07/stalemates-court-battles-could-squeeze-pennsylvanias-primary-election>

34. According to public calendars, both chambers of the General Assembly are only in session from January 24-26 and February 7-9 before nomination petitions begin.

35. Under Article III, section 4 of the Pennsylvania Constitution, a bill must be considered on the floor on three separate legislative days, in each chamber, before it can become law. As such, the window for legislative action would be extremely compressed *even if* the General Assembly were inclined to act; alas, it is not.

36. This has provoked much anxiety among state legislative candidates from both parties, who among other concerns must meet durational residency requirements for the districts in which they will run in 2022, pursuant to Article II, section 5 of the State Constitution. *See, e.g.*, Ford Turner, “Pennsylvania redistricting plan puts incumbents, potential challengers in limbo: ‘It kind of has everyone nervous,’” Allentown Morning Call (Jan. 12, 2022), available online at

<https://www.mcall.com/news/pennsylvania/capitol-ideas/mc-nws-pa-redistricting-candidates-limbo-20220112-yts2vpzrjrc55nr3urzw5zsomu-story.html>:

Jose Rosado already knows the core issues for his possible state House campaign—property tax and education funding reform top the list—and now all he has to do is find out whether the district he hopes to represent will actually exist.

Rosado, the former mayor of Fountain Hill, has decided to run as a Democrat for the 22nd House District as portrayed on a preliminary redistricting map, covering Fountain Hill and parts of Allentown and Salisbury Township.

But there is no guarantee that map will become official.

Rosado’s home currently is in the 133rd district, which also includes part of the city of Bethlehem, the boroughs of

Coplay and Catasauqua and all or part of Hanover, Whitehall and Salisbury townships.

Should the final decision by the Legislative Reapportionment Commission leave him in the 133rd, Rosado said he will have to “speak to my supporters” before making a decision to seek election.

His uncertainty is shared by other candidates across the Lehigh Valley and state as the five-member commission continues to work toward new House and Senate maps that reflect demographic changes shown by the 2020 census.

“It is unsettling because everybody in Harrisburg is all atwitter about it,” said Republican Rep. Milou Mackenzie, who represents the 131st District. “It kind of has everyone nervous.” ...

Mackenzie, the first-term incumbent of the 131st district, is leaning toward running again. The final decision, she says, will happen “when the maps are done.”

Kevin Branco, a gym owner and Democrat who lost to Mackenzie by a 54% to 46% margin in 2020, plans to run again in the 131st, regardless of its final outline.

But redistricting uncertainty weighs heavily on his campaign planning.

The current district includes the boroughs of Emmaus, Coopersburg, Pennsburg, Red Hill and East Greenville, as well as all or part of a number of townships. The proposed map for the 131st removes Emmaus, but adds the borough of Hellertown.

“Without knowing what areas you are covering, it is hard to plan events, kickoff events, signing events,” Branco said. Concerning the proposed map, he added, “I am kind of excited about it. My business is in Hellertown.”...

Enid Santiago, a Latino candidate in Allentown in 2020, lost the Democratic primary in the 22nd District that year to incumbent Peter Schweyer by 55 votes out of 4,339 cast.

“Nobody can make a decision right now,” she said this week when asked about another run. “We are all in the same boat.”

37. This is a not only a crisis for candidates. The 67 county boards of elections need to begin preparing for this election, and voters have a right to know for whom they can vote, volunteer, and otherwise support through the circulation of nomination petitions and thereafter.

**THE PENNSYLVANIA JUDICIARY HAS RESPONDED TO SUCH  
CIRCUMSTANCES BEFORE**

38. The Pennsylvania Judiciary has adjusted the election calendar in the past when the General Assembly has failed to take necessary action to protect constitutional values.

39. On November 15, 1991, the LRC adopted its Final Plan for the coming decade. Challenges were timely filed within 30 days, and the Supreme Court of Pennsylvania scheduled oral argument on twenty-three challenges on Saturday, January 25, 1992, hearing two additional matters on the briefs. *See In re 1991 Legislative Reapportionment Comm’n*, 609 A.2d 132, 530 Pa. 335, 342 (1992).

40. Nomination petitions, by law, began circulating on Tuesday, January 28, 1992, and were scheduled to run through Tuesday, February 18, 1992.

41. On Friday, February 14, 1992, seventeen days after nomination petitions had begun circulating under a cloud of uncertainty, the Court issued a *per curiam* order affirming that the Final Plan was lawful. As part of that Order, the Court extended the deadline for circulating nomination petitions by seventeen days, from



Tuesday, February 18, 1992, to Friday, March 6, 1992, with signatures gathered during the initial January 28-February 14 period also deemed timely. Id. at 340-41.

42. This was not the only alteration to the election calendar in 1992. Indeed, the second one was more sweeping.

43. As to federal redistricting, Pennsylvania's political branches were politically divided while the Commonwealth was required to eliminate two congressional seats. Because the branches failed to enact a congressional redistricting plan altogether, it forced Pennsylvania's judiciary to take responsibility for enacting a new constitutionally valid plan. *See Mellow v. Mitchell*, 607 A.2d 204, 530 Pa. 44 (Pa. 1992).

44. After the matter was initially filed in Commonwealth Court on the first day of nomination petitions (January 28, 1992), the Petitioners applied to Supreme Court of Pennsylvania to take plenary jurisdiction of the matter. The Supreme Court did so, designating President Judge David W. Craig of the Commonwealth Court to serve as a special Master. On March 10, 1992, the Court adopted Judge Craig's findings and recommendations in full. Id., 530 Pa. at 48-49.

45. In addition to taking responsibility for adopting a new plan itself—a remedy decidedly not at issue in this litigation—the Judiciary *also* adopted and imposed a new Elections Calendar for Congressional candidates and candidates for delegate to major party presidential nomination conventions based on the

recommendations of the Secretary of the Commonwealth, to which Judge Craig’s order largely deferred.<sup>2</sup>

46. The judicially-imposed calendar shifted the calendar for candidates to circulate nomination petitions in new congressional districts while keeping the primary date as scheduled on April 28. The Court declared void and invalid all signatures to nominating petitions for congressional candidates obtained before the date of the Order establishing new maps, and initiated a compressed period for circulating nomination petitions that same day. Instead of three weeks, candidates were provided with a nine-day window to circulate nomination petitions. *Id.* at 116-17.

47. The new deadlines were as follows:

<b>Election Event</b>	<b>Original Dates</b>	<b>Revised Dates</b>
Circulation of Nomination Petitions	January 28-February 18	March 10-19
Last day to file objections to nomination petitions	February 25	March 25
Last day that may be fixed by the Commonwealth Court for hearings on objections that have been filed to nomination petitions	February 28	March 31
Last day for Commonwealth Court to render decisions in cases involving objections to nomination petitions	March 5	April 3

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<sup>2</sup> Such delegates are also elected based on congressional districts.

Id.<sup>3</sup>

48. These timing issues arose again during the 2011-12 redistricting cycle.<sup>4</sup> The LRC adopted a preliminary plan on December 12, 2011, with challenges timely filed 30 days later. The Supreme Court heard oral argument on nine challenges on January 23, 2012, just five days after briefing was complete, and issued a *per curiam* order declaring the final plan unconstitutional just two days later, Wednesday, January 25, 2012. *See Holt I*, 38 A.3d at 720-21.

49. Because the initial LRC Plan was declared unconstitutional, the Court ordered that the existing maps remained in effect for the 2012 election. However, nomination petitions had begun the day before—January 24. Accordingly, as part of its *per curiam* order the Court extended its deadlines for nomination petitions by two days, and adjusted all subsequent deadlines accordingly:

<b>Election Event</b>	<b>Original Dates</b>	<b>Revised Dates</b>
Circulation of Nomination Petitions	January 24-February 14	January 24-February 16
Last day to file objections to nomination petitions	February 21	February 23
Last day that may be fixed by the Commonwealth Court for hearings on objections that have been filed to nomination petitions	February 24	February 27

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<sup>3</sup> Because the 1992 election predated the development of the Statewide Uniform Registry of Electors (the “SURE System”), it is possible nomination petition challenges may be handled more efficiently today than then. *See* 25 Pa.C.S.A. § 1222 *et seq.*, enacted as Act 3 of 2002.

<sup>4</sup> In 2002, the Supreme Court heard oral argument on all appeals on February 5 and issued its *per curiam* order affirming the Final Plan on February 15, just before the start of nomination petition circulation on February 19.

Last day for Commonwealth Court to render decisions in cases involving objections to nomination petitions	February 29	March 2
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Holt I, 38 A.3d at 716.

50. As part of its subsequent opinion explaining why it had declared the LRC Plan unconstitutional, the Court explained its adjustments to the calendar as follows:

Of course, the Court was cognizant that the LRC's timeline in adopting a Final Plan had ensured that the appeals would carry into the period when nomination petitions could begin to be circulated, and that any mandate other than outright denial or dismissal of the appeals could cause disruption of that process. Therefore, the *per curiam* order also was careful to adjust the primary election schedule and, consistently with the order we entered on February 14, 1992, the last time a presidential primary occurred in a reapportionment year, we directed that petition signatures collected before our mandate issued would be deemed valid as to timeliness. See Order, 1/25/12 (*per curiam*). Our adjustment of the primary election calendar does not alter the discretion vested in the Commonwealth Court, which will be tasked in its original jurisdiction with hearing any objections to nominating petitions. The Election Code provides a very restrictive time schedule, specifically including a ten day cut-off for hearings and a fifteen day deadline for decisions. 25 P.S. § 2937. However, this Court recognized that appeals of this nature entail the “exercise of purely judicial functions.” In re Nomination Petition of Moore, 447 Pa. 526, 291 A.2d 531, 534 (Pa.1972). Thus, as it respects the judicial function, the Election Code's deadlines are understood in this context as “directory,” although the deadlines and requirements of the Code will remain mandatory as to petitioners. See also Mellow v. Mitchell, 530 Pa. 44, 607 A.2d 204, 224 (Pa. 1992) (same);

In re Shapp, 476 Pa. 480, 383 A.2d 201, 204 (Pa. 1978)  
(same).

Id. at 721 n. 10.

51. Most recently, the Supreme Court of Pennsylvania struck down the existing congressional plan as unconstitutional in 2018, requiring adjustments to the nomination petition calendar. *See League of Women Voters v. Commonwealth*, 181 A. 3d 1083 (Pa. 2018) (“LWV II”).

52. By order dated January 22, 2018, the Court declared the existing plan unconstitutional; on February 19, 2018, after the political branches were unable to come to agreement on a new plan, the Court adopted a remedial plan.

53. Originally, nomination petitions for congressional candidates were supposed to have commenced on February 13, ending on March 6. Instead, as part of its February 19, 2018 order, the Supreme Court of Pennsylvania enacted an adjusted calendar as to congressional candidates only, shifting all deadlines by two weeks while keeping the existing primary date in place:

<b>Election Event</b>	<b>Original Dates</b>	<b>Revised Dates</b>
Circulation of Nomination Petitions	February 13-March 6	February 27-March 20
Last day to file objections to nomination petitions	March 13	March 27
Last day that may be fixed by the Commonwealth Court for hearings on objections that have been filed to nomination petitions	March 16	March 30
Last day for Commonwealth Court to render decisions in cases involving objections to nomination petitions	March 21	April 4

Id. at 1121.

## CLAIM FOR RELIEF

### COUNT I

#### Legislative Malapportionment

**Violation of Free and Equal Elections Clause Pa. Const., Art. I, § 5**

**Violation of Pa. Const., Art. II, § 16**

54. Petitioners reallege and reincorporate by reference all prior paragraphs of this Petition and the paragraphs in the count below as though fully set forth herein.

55. The Pennsylvania Constitution’s Free and Equal Elections Clause provides: “Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.” Pa. Const., Art. I, § 5. This clause “should be given the broadest interpretation, one which governs all aspects of the electoral process, and which provides the people of this Commonwealth an equally effective power to select the representative of his or her choice, and bars the dilution of the people’s power to do so.” League of Women Voters v. Commonwealth, 178 A. 3d 737, 814 (Pa. 2018) (“LWV I”).

56. The Free and Equal Elections Clause “establishe[s] a critical ‘leveling’ protection in an effort to establish the uniform right of the people of this Commonwealth to select their representatives in government.” Id. at 807.

57. The “equality” prong of the Free and Equal Elections Clause requires that voting districts be drawn “by laws which shall arrange all the qualified electors into suitable districts, and make their votes equally potent in the election; so that some

shall not have more votes than others, and that all shall have an equal share.” Id. at 809 (quoting Patterson, 60 Pa. at 75). Thus, any scheme that “has the effect of impermissibly diluting the potency of an individual’s vote for candidates for elective office relative to that of other voters will violate the guarantee of ‘free and equal’ elections afforded by Article I, Section 5.” Id.

58. In its recent decision in Pa. Democratic Party v. Boockvar, 238 A.3d 345 (Pa. 2020), the Supreme Court unanimously joined in Part II of now-Chief Justice Baer’s opinion in recognizing the importance of this provision:

The broad text of this specific provision “mandates clearly and unambiguously, and in the broadest possible terms, that *all* elections conducted in this Commonwealth must be ‘free and equal.’” League of Women Voters v. Commonwealth, 645 Pa. 1, 178 A.3d 737, 804 (Pa. 2018) (emphasis in original). Stated another way, this clause was “specifically intended to equalize the power of voters in our Commonwealth’s election process[.]” Id. at 812.

Id. at 355.

59. This understanding is also embodied directly in the Pennsylvania Constitution. Article II, section 16 requires that “The Commonwealth shall be divided into 50 senatorial and 203 representative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable.”

60. Petitioners herein currently reside in overpopulated districts. If the 2011 state legislative redistricting plan is allowed to persist despite a constitutional Final Plan having been adopted by the LRC, voters will remain in districts with significantly disparate populations, causing voters in underpopulated districts to have

more “potent” votes compared to voters, like Petitioners, who live in districts with comparatively larger populations.

61. Therefore, to the extent possible, the 2022 election calendar should be altered to accommodate the Supreme Court’s consideration of challenges to the LRC Final Plan. If the LRC has adopted a constitutional Final plan, it should be allowed to take effect this year.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Petitioners respectfully request that this Court:

- a. Enjoin Respondents, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them, from implementing, enforcing, or giving any effect to Pennsylvania’s state legislative reapportionment until such time the Supreme Court of Pennsylvania has entered an order giving the 2022 LRC Final Plan the force of law, or has struck down the 2022 LRC Final Plan as unconstitutional.
- b. Adopt a new Elections Calendar which accommodates the Supreme Court of Pennsylvania’s need to adjudicate challenges to the 2022 LRC Final Plan,
- c. Award Petitioners their costs, disbursements, and reasonable attorneys’ fees; and



d. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

By:  \_\_\_\_\_

Adam C. Bonin (PA ID No. 80929)  
The Law Office of Adam C. Bonin  
The North American Building  
121 South Broad Street, Suite 400  
Philadelphia, PA 19107  
Telephone: (267) 242-5014  
Facsimile: (215) 827-5300  
[adam@boninlaw.com](mailto:adam@boninlaw.com)

Attorney for Petitioners

Dated: January 20, 2022

**NOTICE TO PLEAD**

**TO:** Acting Secretary Leigh Chapman  
Pennsylvania Department of State  
Office of the Secretary  
302 North Office Building, 401 North Street  
Harrisburg, PA 17120

Director Jessica Mathis  
Pennsylvania Bureau of Election Services and Notaries  
500 North Office Building, 401 North Street  
Harrisburg, PA 17120

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.

-

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, I caused the foregoing Petition for Review to be served upon the following parties and in the manner indicated below, which service satisfies the requirements of Pa. R.A.P. 1514 and 121:

**By Certified Mail:**

Acting Secretary Leigh Chapman  
Pennsylvania Department of State  
Office of the Secretary  
302 North Office Building  
401 North Street  
Harrisburg, PA 17120

Director Jessica Mathis  
Pennsylvania Bureau of Election Services and Notaries  
500 North Office Building  
401 North Street  
Harrisburg, PA 17120

**By Certified Mail and PACFile:**

Office of Attorney General  
Strawberry Square, 16<sup>th</sup> Floor  
Harrisburg, PA 17120

  
\_\_\_\_\_  
Adam C. Bonin, Esq.

Dated:            January 20, 2022

No. 413P21

TENTH DISTRICT

SUPREME COURT OF NORTH CAROLINA

\*\*\*\*\*

REBECCA HARPER; AMY CLARE )  
OSEROFF; DONALD RUMPH; JOHN )  
ANTHONY BALLA; RICHARD R. CREWS; )  
LILY NICOLE QUICK; GETTYS COHEN, )  
JR.; SHAWN RUSH; JACKSON THOMAS )  
DUNN, JR.; MARK S. PETERS; KATHLEEN )  
BARNES; VIRGINIA WALTERS BRIEN; and )  
DAVID DWIGHT BROWN )

Plaintiffs, )

v. )

REPRESENTATIVE DESTIN HALL, in his )  
official capacity as Chair of the House )  
Standing Committee on Redistricting; )  
SENATOR WARREN DANIEL, in his official )  
capacity as Co-Chair of the Senate Standing )  
Committee on Redistricting and Elections; )  
SENATOR RALPH HISE, in his official )  
capacity as Co-Chair of the Senate Standing )  
Committee on Redistricting and )  
Elections; SENATOR PAUL NEWTON, in his )  
official capacity as Co-Chair of the Senate )  
Standing Committee on Redistricting and )  
Elections; SPEAKER OF THE NORTH )  
CAROLINA HOUSE OF )  
REPRESENTATIVES, TIMOTHY K. )  
MOORE; PRESIDENT PRO TEMPORE OF )  
THE NORTH CAROLINA SENATE, PHILIP )  
E. BERGER; THE NORTH CAROLINA )  
STATE BOARD OF ELECTIONS; and )  
DAMON CIRCOSTA, in his official capacity )

Defendants. )

NORTH CAROLINA LEAGUE OF )  
CONSERVATION VOTERS, INC.; HENRY )  
M. MICHAUX, JR.; DANDRIELLE LEWIS; )  
TIMOTHY CHARTIER; TALIA FERNÓS; )  
KATHERINE NEWHALL; R. JASON )  
PARSLEY ; EDNA SCOTT ; ROBERTA )  
SCOTT ; YVETTE ROBERTS; JEREANN )  
KING JOHNSON; REVEREND REGINALD )  
WELLS; YARBROUGH WILLIAMS, JR.; )  
REVEREND DELORIS L. JERMAN; VIOLA )  
RYALS FIGUEROA; and COSMOS GEORGE )

Plaintiffs, )

v. )

REPRESENTATIVE DESTIN HALL, in his )  
official capacity as Chair of the House )  
Standing Committee on Redistricting; )  
SENATOR WARREN DANIEL, in his official )  
capacity as Co-Chair of the Senate Standing )  
Committee on Redistricting and Elections; )  
SENATOR RALPH E. HISE, JR., in his of )  
ficial capacity as Co-Chair of the Senate )  
Standing Committee on Redistricting and )  
Elections; SENATOR PAUL NEWTON, in )  
his official capacity as Co-Chair of the Senate )  
Standing Committee on Redistricting and )  
Elections; REPRESENTATIVE TIMOTHY )  
K. MOORE, in his official capacity as Speaker )  
of the North Carolina House of )  
Representatives; SENATOR PHILIP E. )  
BERGER, in his official capacity as President )  
Pro Tempore of the North Carolina Senate; )  
THE STATE OF NORTH CAROLINA; THE )  
NORTH CAROLINA STATE BOARD OF )  
ELECTIONS; DAMON CIRCOSTA, in his )  
official capacity as Chairman of the North )  
Carolina State Board of Elections; STELLA )  
ANDERSON, in her official capacity as )  
Secretary of the North Carolina State Board )  
of Elections; JEFF CARMON III, in his )  
official capacity as Member of the North )

Carolina State Board of Elections; STACY )  
 EGGERS IV , in his official capacity as )  
 Member of the North Carolina State Board of )  
 Elections; TOMMY TUCKER, in his of ficial )  
 capacity as Member of the North Carolina )  
 State Board of Elections; and KAREN )  
 BRINSON BELL, in her official capacity as )  
 Executive Director of the North Carolina )  
 State Board of Elections )

\* \* \* \* \*

ORDER

Plaintiffs’ Petitions for Discretionary Review Prior to Determination by the Court of Appeals, Motion to Suspend Appellate Rules to Expedite a Decision, and Motion to Suspend Appellate Rules and Expedite Schedule, filed in these consolidated cases on 6 December 2021 are allowed as follows:

In light of the great public interest in the subject matter of these cases, the importance of the issues to the constitutional jurisprudence of this State, and the need for urgency in reaching a final resolution on the merits at the earliest possible opportunity, the Court grants a preliminary injunction and temporarily stays the candidate-filing period for the 2022 elections for all offices until such time as a final judgment on the merits of plaintiffs’ claims, including any appeals, is entered and a remedy, if any is required, has been ordered.

1. Defendants are hereby enjoined from conducting elections for any public offices in the state on Tuesday, March 8, 2022 and, consistent with the response and affidavit

of the North Carolina State Board of Elections, defendants instead are directed to hold primaries for all offices on Tuesday, May 17, 2022. The trial court is authorized to issue any orders necessary to accomplish the resulting changes in the election schedule, including implementing shortened filing periods and other administrative adjustments.

2. Any individual who has already filed to run for public office in 2022 and whose filing has been accepted by the appropriate board of elections, will be deemed to have filed for the same office under the new election schedule for the May 2022 primary unless they provide timely notice of withdrawal of their candidacy to the board of elections during the newly-established filing period; and except to the extent that a remedy in this matter, if any, impacts a candidate's eligibility to hold the office for which they have currently filed. Any individual who has properly withdrawn their candidacy is free to file for any other office for which they may be eligible during the reopened filing period.

3. The trial court is directed to hold proceedings necessary to reach a ruling on the merits of plaintiffs' claims and to provide a written ruling on or before Tuesday, January 11, 2022.

4. Any party wishing to appeal the trial court's ruling must file a Notice of Appeal within two business days of the trial court's ruling, exclusive of weekends and holidays, in the trial court and with this Court, and should expect that an expedited briefing and hearing schedule in this Court will commence immediately thereafter.

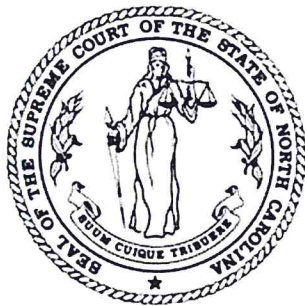
The Petition for Writ of Supersedeas and Motion for Temporary Stay are dismissed as moot.

By order of the Court in Conference, this the 8th day of December, 2021.




For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 8th day of December, 2021.



AMY L. FUNDERBURK  
Clerk, Supreme Court of North Carolina

  
Assistant Clerk, Supreme Court of  
North Carolina

Copy to:

North Carolina Court of Appeals

Mr. Narendra K. Ghosh, Attorney at Law, For Harper, Rebecca, et al. - (By Email)

Mr. Terence Steed, Assistant Attorney General, For State Board of Elections, et al. - (By Email)

Mr. Amar Majmundar, Senior Deputy Attorney General, For State Board of Elections, et al. - (By Email)

Ms. Stephanie A. Brennan, Special Deputy Attorney General, For State Board of Elections, et al. - (By Email)

Mr. Burton Craige, Attorney at Law, For Harper, Rebecca, et al. - (By Email)

Mr. Paul E. Smith, Attorney at Law, For Harper, Rebecca, et al. - (By Email)

Mr. Phillip J. Strach, Attorney at Law, For Hall, Destin, et al. - (By Email)

Ms. Alyssa Riggins, Attorney at Law, For Hall, Destin, et al. - (By Email)

Mr. John E. Branch, III, Attorney at Law, For Hall, Destin, et al. - (By Email)

Mr. Thomas A. Farr, Attorney at law, For Hall, Destin, et al. - (By Email)

Mr. Stephen D. Feldman, Attorney at Law, For N.C. League of Conservation Voters, Inc., et al. - (By Email)

Mr. Adam K. Doerr, Attorney at Law, For N.C. League of Conservation Voters, Inc., et al. - (By Email)

Mr. Erik R. Zimmerman, Attorney at Law, For N.C. League of Conservation Voters, Inc., et al. - (By Email)

Mr. Ryan Y. Park, Solicitor General, For Gov. Cooper and AG Stein - (By Email)

Mr. James W. Doggett, Deputy Solicitor General, For Gov. Cooper and AG Stein - (By Email)

Mr. Zachary W. Ezor, Solicitor General Fellow, For Gov. Cooper and AG Stein - (By Email)



Ms. Kellie Z. Myers, Trial Court Administrator - (By Email)  
West Publishing - (By Email)  
Lexis-Nexis - (By Email)

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