

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA  
CIVIL DIVISION

IN RE:

CASE NO: 4152 OF 2020

2020 GENERAL ELECTION PROVISIONAL  
BALLOT CHALLENGES,

FILED IN  
PROthonotary's OFFICE

NOV 23 2020

BY:   
CLERK

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**ORDER OF COURT**

AND NOW, to wit, this 23rd day of November, 2020, based upon an emergency evidentiary argument and presentation regarding the acceptance, count and certification of seventeen (17) provisional ballots of which six (6) provisional ballots contained therein did not have the secrecy envelopes within, but by ruling of the Westmoreland County Board of Elections on Friday, November 13, 2020, ruled to accept all seventeen (17) provisional ballots for canvassing, count and certification, the request to set aside the six (6) provisional ballots without secrecy envelopes being presented by counsel for Senator James Brewster as permissible due to the Court's ruling at the above-captioned appeal heard on Friday, November 20, 2020, seeking disenfranchisement of those ballots ten (10) days after their disclosure and the ruling by the Board and eight (8) days after a timely appeal period is substantially and procedurally deficient, further that a theory of Nunc Pro Tunc relief is not available, the Court makes the following ruling therefore;

It is hereby ORDERED, ADJUDGED and DECREED that the subject seventeen (17) provisional ballots accepted and ruled upon by the Westmoreland County Board of Elections inclusive of six (6) ballots without secrecy envelopes shall be canvassed, counted and certified with prejudice. It is further ORDERED, ADJUDGED and DECREED, that the relief sought by counsel for the Senator James Brewster campaign is DENIED with prejudice as untimely as it is ten (10) days since the Board of Elections acceptance of the seventeen (17) subject provisional ballots and

eight (8) days past the permissible two (2) day appeal period specifically set forth in the Elections Code of Pennsylvania.

FURTHER, in accord with Pa.R.C.P. No. 236(a)(2) and (b), the Prothonotary is **DIRECTED** to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:

  
HARRY F. SMAIL, JR., JUDGE

ATTEST:

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Register of Wills

CC: Matthew H. Haverstick, Esquire  
Melissa Guiddy, Esquire  
Christopher Nichols, Esquire  
James Antoniono, Esquire  
Marco S. Attisano, Esquire