

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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|------------------------------------|---|-------------------|
| NAACP Pennsylvania State | : | |
| Conference, | : | |
| Petitioner | : | |
| | : | |
| v. | : | No. 364 M.D. 2020 |
| | : | |
| Kathy Boockvar, Secretary of the | : | |
| Commonwealth, and Jessica Mathis, | : | |
| Director of the Bureau of Election | : | |
| Services and Notaries, | : | |
| Respondents | : | |

ORDER

AND NOW, this 11th day of September, 2020, upon consideration of the preliminary objections to the Petition for Review Addressed to this Court’s Original Jurisdiction (Petition) of the National Association for the Advancement of Colored People Pennsylvania State Conference (NAACP), it is hereby **ORDERED** as follows:

1. The first and second preliminary objections of Respondents Kathy Boockvar, Secretary of the Commonwealth, and Jessica Mathis, Director of the Bureau of Election Services and Notaries (Respondents), based on demurrer and ripeness, respectively, are **SUSTAINED**. The third preliminary objection of Intervenor Speaker of the Pennsylvania House of Representatives Bryan Cutler and Majority Leader of the Pennsylvania House of Representatives Kerry Benninghoff (House Leader Intervenor), based on demurrer, is **SUSTAINED**. The first preliminary objection of Intervenor President Pro Tempore Joseph B. Scarnati III and Pennsylvania Senate

Majority Leader Jake Corman (Senate Leader Intervenors), based on ripeness, is **SUSTAINED**. The second and sixth preliminary objections of Intervenors Donald J. Trump for President, Inc., the Republican Party of Pennsylvania, the Republican National Committee, and the National Republican Congressional Committee (Republican Committee Intervenors), based on ripeness and demurrer, respectively, are **SUSTAINED**. The NAACP has failed to allege adequate facts demonstrating a constitutional violation/injury, beyond mere speculation, that would warrant the grant of the statewide relief requested in the Petition.

2. In light of our decision sustaining preliminary objections challenging the legal sufficiency of the NAACP's Petition (on the basis of demurrer and ripeness), the Court does not address the remaining preliminary objections. The Court notes, however, that the preliminary objection asserted by Respondents, House Leader Intervenors, Senate Leader Intervenors, and Republican Committee Intervenors raising the failure to join indispensable parties, those being the 67 Pennsylvania county boards of elections, has merit in light of the relief the NAACP seeks in its Petition. Nonetheless, if the Court were to grant this preliminary objection, the Court would not have dismissed the Petition without first providing the NAACP with the opportunity to amend its pleading to add the indispensable parties.

3. The Petition is **DISMISSED**.



P. KEVIN BROBSON, Judge