

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

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County Board of Elections*

IN THE SUPREME COURT OF PENNSYLVANIA

PENNSYLVANIA DEMOCRATIC PARTY, *et al.*,

Petitioners,

v.

KATHY BOOCKVAR, IN HER CAPACITY AS
SECRETARY OF THE COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Respondents.

No. 133 MM 2020

**ANSWER OF THE BUCKS, CHESTER, MONTGOMERY, AND
PHILADELPHIA COUNTY BOARDS OF ELECTIONS JOINING WITH
SECRETARY BOOCKVAR'S APPLICATION FOR THE COURT TO
EXERCISE EXTRAORDINARY JURISDICTION OVER THE
COMMONWEALTH COURT CASE DOCKETED AT 407 MD 2020**

The Boards of Elections of Bucks, Chester, Montgomery and Philadelphia Counties (the “Boards of Elections”) agree with Applicant, Secretary of the Commonwealth Kathy Boockvar, that this Court should exercise extraordinary jurisdiction over the case docketed at 407 MD 2020. As the Secretary noted in her Application, the 2020 general election is less than three months away, and it is critically important that the Boards of Elections, and other election administrators across the Commonwealth, focus their efforts on preparing for it. The uncertainty stemming from the pending Commonwealth Court and federal court litigation is hampering those efforts. Moreover, news of the competing lawsuits is concerning to voters, many of whom are trying to decide whether to vote by mail or in person. The Boards of Elections, like the Secretary, believe that the public interest will be served by a prompt ruling on the legal issues involved, and that only this Court can ensure that these legal issues are decided quickly enough to minimize adverse effects on the election.

Accordingly, the Boards of Elections join with the Secretary’s request that the Court immediately take jurisdiction of this matter. The Boards of Elections also join in the Secretary’s requests for rulings on the legal issues raised in this case. First, in order to ensure that promptly mailed voted ballots are counted, the Court should extend the deadline for the receipt of mail-in and absentee ballots. Second, the Court should declare that there is no statutory or constitutional

impediment to county boards' establishing drop-off locations for mail-in ballots. Third, the Court should declare that counties must count otherwise valid ballots that are received without their interior secrecy envelope. Fourth, the Court should declare that the Election Code's poll watcher residency requirement is constitutional.

WHEREFORE, the Boards of Elections respectfully request that the Court grant the Application.

Respectfully submitted,

Dated: August 18, 2020

HANGLEY ARONCHICK SEGAL
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By: /s/ Mark A Aronchick

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CERTIFICATION REGARDING PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Dated: August 18, 2020

/s/ Mark A. Aronchick

Mark A. Aronchick