

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

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IN RE: NOMINATION PAPERS :  
OF E SCROGGIN : NO. 55 MAP 2020  
APPEAL OF STEFANO :

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**BRIEF FOR *AMICI CURIAE* PHILADELPHIA, ALLEGHENY,  
BUCKS, AND DELAWARE COUNTY BOARDS OF ELECTIONS  
IN SUPPORT OF NEITHER PARTY**

**I. STATEMENT OF INTEREST OF AMICUS CURIAE**

*Amici* are the Philadelphia County, Allegheny County, Bucks County, and Delaware County Boards of Elections (collectively the “Boards”).<sup>1</sup>

**II. ARGUMENT**

The Boards submit this brief in support of neither party to bring to the Court’s attention how the timing of the Court’s decision in this matter may impact the printing of the ballot for the upcoming election.

On September 10, 2020, Objector-Appellants Paul Stefano and Tony C. Thomas (“Appellants”) filed a Notice of Appeal and Brief with this Court (the “Appeal”). Appellants appeal an underlying decision of the Commonwealth Court granting in part and denying in part Appellants’

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<sup>1</sup> Pursuant to Pa.R.A.P. 531(b)(2), no person or entity other than the *amici curiae* and their counsel paid in whole or in part for the preparation of this brief or authored in whole or in part this brief.

objections to certain nominating papers. The Boards take no position on the merits of Appellants' objections or the appeal.

In addition, on September 10, 2020, Appellants filed an Application for Stay Ancillary to Appeal and Expedited Consideration and Other Relief ("Application"). The Application noted that absent a stay of ballot finalization by the Secretary of State, Boards of Election can begin mailing ballots on September 14, 2020. As a result, the Application requests a stay of the Secretary of State's certification of the final ballot. And, on September 11, 2020, this Court issued an expedited briefing schedule in this matter requiring opposing briefs be filed on September 14, 2020 and reply briefs on September 15, 2020.

While the Boards take no position on Appellants' Objections and appeal and do not object to a very limited stay to the extent the Court deems such a stay necessary, the Boards wish to apprise the Court of the deadlines under which the Boards are operating and seek expedited resolution of this matter so that the Boards can take any action necessary to comply with this Court's decision in this matter.

The November 2020 general election on which Appellant seeks to appear on the ballot will take place on November 3, 2020. The Boards understand that voters have an expectation that ballots will be available 50

days in advance of the election which for the 2020 General Election is September 14, 2020. Further, under federal and Pennsylvania law, the Boards must mail absentee ballots to military and overseas voters no later than the 45th day before the election. *See* 25. Pa. C.S. § 3508(a)(1). In addition, the Boards require reasonable time to prepare and print paper ballots as well as program the electronic voting machines.

Thus, for the orderly administration of the November 2020 general election, the Boards respectfully request that this Court issue any final relief in this matter before Thursday, September 18, 2020.

### **III. CONCLUSION**

For those reasons, the Boards respectfully request that this Court expedite its consideration of the Appeal.

Respectfully submitted,

September 15, 2020

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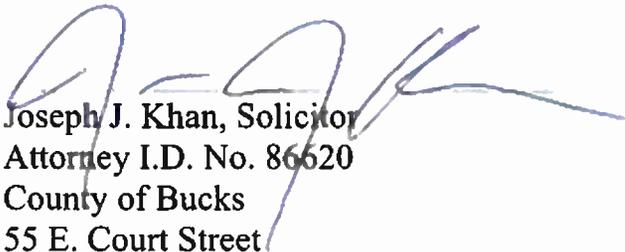
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## CERTIFICATE OF COUNSEL

I hereby certify that this brief contains 481 words within the meaning of Pa. R. App. Proc. 2135. In making this certificate, I have relied on the word count of the word-processing system used to prepare the brief.

I further 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.

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**CERTIFICATE OF SERVICE**

I hereby certify that I served this document via the Court's electronic filing system.

September 15, 2020

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