

No. 29 WAP 2020

IN THE
Supreme Court of Pennsylvania
Western District

IN RE: 2,349 BALLOTS IN THE 2020 GENERAL ELECTION

ANSWER TO EMERGENCY APPLICATION FOR REARGUMENT
FILED BY RESPONDENT ON NOV. 24, 2020
FILED ON BEHALF OF
ALLEGHENY COUNTY BOARD OF ELECTIONS

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ANSWER TO APPLICATION

Nicole Zicarelli seeks allowance of re-argument from a final order of this Court under the Pennsylvania Election Code. However, she is not entitled to this relief. Pursuant to PA.R.A.P. 2543 an application for re-argument is not permitted from a final order of an intermediate appellate court under the Pennsylvania Election Code. The commentary to this rule states that the 1997 amendment to this rule clarifies that applications for re-argument are not to be filed in matters arising under the Pennsylvania Election Code, because matters involving elections require expeditious treatment. *See, e.g.*, PA.R.A.P 1113(c). As such, the spirit if not the letter of the Rules of Appellate Procedure require that the pending Application be denied.

CONCLUSION

For the foregoing reasons, Allegheny County Board of Elections requests that this Honorable Court DENY the pending EMERGENCY APPLICATION FOR RE-ARGUMENT.

Respectfully submitted,

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IN THE SUPREME COURT OF PENNSYLVANIA

No. 29 WAP 2020

IN RE: 2,349 BALLOTS IN THE 2020 GENERAL ELECTION

PROPOSED ORDER

AND NOW this ____ day of November 2020, upon consideration of the EMERGENCY APPLICATION FOR RE-ARGUMENT of Nicole Zicarelli and the responses thereto, this Court hereby DENIES the APPLICATION.

BY THE COURT:

PROOF OF SERVICE

I, Virginia Spencer Scott, certify that on this day, I caused a true and correct copy of the foregoing ANSWER TO EMERGENCY APPLICATION FOR RE-ARGUMENT to be served on counsel for Respondent and Intervenors via this Court's electronic filing system.

Date: November 24, 2020

By: /s/ *Virginia Spencer Scott*
Virginia Spencer Scott

CERTIFICATE OF COMPLIANCE WITH CONFIDENTIAL INFORMATION RULE

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

Date: November 24, 2020

By: /s/ *Virginia Spencer Scott*
Virginia Spencer Scott