

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

DOUG MCLINKO,	:	NO. 244 MD 2021
	:	
Petitioner,	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, DEPARTMENT OF	:	
STATE; and VERONICA	:	
DEGRAFFENREID, in her official	:	
capacity as Acting Secretary of the	:	
Commonwealth of Pennsylvania,	:	
	:	
	:	
Respondents.	:	
	:	
	:	

ORDER

AND NOW, this ____ day of July, 2021, upon consideration of the Petitioner’s Application for Expedited Briefing and Summary Relief, it is hereby **ORDERED** that the Application is **GRANTED** and:

1. Petitioner shall file his brief in support of his petition within 15 days of the date of this Order.
2. Respondents shall file their answers to the petition for review, and supporting briefs, if any, 15 days after Petitioner file his opening brief; and

3. The Court shall hold argument on the matter on or before September 15, 2021.

BY THE COURT:

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COMMONWEALTH OF	:	
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	:	
	:	
Respondents.	:	
	:	
	:	

**APPLICATION FOR EXPEDITED BRIEFING
AND SUMMARY RELIEF**

Petitioner files this application for expedited briefing and summary relief under Pa.R.A.P. 1523(a) and (b) because there are no material facts in dispute, this case presents a pure question of law, and expedited review will prevent irreparable harm to all of the parties.

1. On July 26, 2021, petitioner filed a petition for review in the nature of a declaratory judgment.

2. That action seeks a declaration that P.L. 552, No. 77 (Act 77) and 25 Pa.C.S. Chapter 14, Article XIII-D are unconstitutional and void.

3. There are no material facts in dispute and the right to relief is clear.

4. This matter presents a pure question of law requiring this Court to determine whether P.L. 552, No. 77 (Act 77) and 25 Pa.C.S. Chapter 14, Article XIII-D violate Article VII, § 1, of the Pennsylvania Constitution.

5. The matter is emergent because the 2021 general election shall occur on November 2, 2021.

6. This Court should issue a declaration in sufficient advance of that election so that voters who vote by mail do not have their votes disqualified.

7. A speedy declaration from this Court will allow any person who planned on voting by mail to arrange to vote in person on November 2, 2021, or by absentee ballot if qualified as an absentee voter under the Article VII, § 1, of the Pennsylvania Constitution.

WHEREFORE, petitioner respectfully request that this Court to grant his application and enter an Order setting an expediting briefing and argument schedule.

Respectfully submitted,

Date: July 26, 2021

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