

**IN THE SUPREME COURT OF PENNSYLVANIA**

Carol Ann Carter; Monica Parrilla;  
Rebecca Poyourow; William Tung;  
Roseanne Milazzo; Burt Siegel;  
Susan Cassanelli; Lee Cassanelli;  
Lynn Wachman; Michael Guttman;  
Maya Fonkeu; Brady Hill; Mary  
Ellen Balchunis; Tom DeWall,  
Stephanie McNulty and Janet  
Temin,

Petitioners,

v.

Leigh Chapman, in her official  
capacity as the Acting Secretary of  
the Commonwealth of  
Pennsylvania; Jessica Mathis, in  
her official capacity as Director for  
the Pennsylvania Bureau of  
Election Services and Notaries,

Respondents,

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Phillip T. Gressman; Ron Y.  
Donagi; Kristopher R. Tapp;  
Pamela Gorkin; David P. Marsh;  
James L. Rosenberger; Amy  
Myers; Eugene Boman; Gary  
Gordon; Liz McMahon; Timothy G.  
Freeman; and Garth Isaak,

Petitioners,

v.

CASES CONSOLIDATED

No. 7 MM 2022

**AMICUS PARTICIPANTS' ("CITIZEN  
VOTERS") RESPONSE TO  
RESPONDENTS' APPLICATION FOR  
CLARIFICATION OF THIS COURT'S  
FEBRUARY 9 ORDER**

Counsel of Record for Amicus  
Participants ("Citizen-Voters"):

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Coulter & Graham L.L.P.

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Leslie Osche, Kim Geyer, Michael  
T. Slupe, Candee Barnes, Thomas  
Reep, Brandy Reep, Kenneth  
Lunsford, Tammy Lunsford, James  
Thompson, Pamela Thompson,  
Joseph Renwick, Stephanie  
Renwick, Louis Capozzi, David  
Ball, Mary E. Owlett, Kristine Eng,  
Justin Behrens, James P.  
Foreman, Matthew J. Stuckey,  
Anthony J. Luther, Linda C.  
Daniels, Jeffrey Piccola, James  
Vasilko, Jay Hagerman, and Evan  
P. Smith,

Amicus Participants,

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**AMICUS PARTICIPANTS' ("CITIZEN VOTERS") RESPONSE TO  
RESPONDENTS' APPLICATION FOR CLARIFICATION OF THIS  
COURT'S FEBRUARY 9 ORDER**

Amicus Participants', ("Citizen Voters")<sup>1</sup>, by and through their undersigned counsel, respectfully file the within Response to Respondents' Application for Clarification of this Court's February 9 Order.

On February 11, 2022, the Respondents filed an Application for Clarification of this Court's February 9 Order, asking this Court to clarify its Order as follows:

The February 9 Order's temporary suspension applies to all Pennsylvania 2022 primary races and suspends only those deadlines relating to the circulation and filing of nomination petitions, as well as the filing of any objections to such petitions.

See 25 P.S. §§ 2868, 2873, 2937.

The Respondents' Application for Clarification references the portion of Section 2864 of the Election Code which requires the chairperson of the county committees (and in Philadelphia the chairperson of the city committees) of each party to send their respective county boards of election a written notice of all party offices to be filled in the county during the primary.

See 25 P.S. § 2864.

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<sup>1</sup> Leslie Osche, Kim Geyer, Michael T. Slupe, Candee Barnes, Thomas Reep, Brandy Reep, Kenneth Lunsford, Tammy Lunsford, James Thompson, Pamela Thompson, Joseph Renwick, Stephanie Renwick, Louis Capozzi, David Ball, Mary E. Owlett, Kristine Eng, Justin Behrens, James P. Foreman, Matthew J. Stuckey, Anthony J. Luther, Linda C. Daniels, Jeffrey Piccola, James Vasilko, Jay Hagerman, and Evan P. Smith (collectively referred to as the "Citizen-Voters").

In addition to the above-referenced provision, Section 2864 requires the following:

It shall also be the duty of the chairman of the State committee of each political party to forward to the Secretary of the Commonwealth and to the respective county boards, on or before the thirteenth Tuesday preceding the General primary, a written notice setting forth the number of delegates and alternate delegates to the National convention of such party who are to be elected in the State at large at the ensuing primary, and the number of such delegates and alternate delegates who are to be elected at said primary in such county, or in any district within such county, or of which it forms a part. ...

See 25 P.S. § 2864.

To the extent that the Court's February 9<sup>th</sup> Order has suspended the General Primary calendar, it is respectfully suggested that all provisions of Section 2864 of the Election Code be suspended consistent with the other provisions of the February 9<sup>th</sup> Order.

Respectfully Submitted,

**Dillon, McCandless, King,  
Coulter & Graham L.L.P.**

Date: February 12, 2022

By: /s/ Thomas W. King, III  
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*Counsel for Amicus Participants  
("Citizen Voters")*

## **CERTIFICATE OF COMPLIANCE**

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.

/s/ Thomas W. King, III  
Thomas W. King, III

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**[PROPOSED] ORDER**

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**[PROPOSED] ORDER**

AND NOW, this \_\_\_\_ day of February 2022, this Court's February 9, 2022, Order is clarified to include that all deadlines contained in Section 2864 of the Election Code, 25 P.S. § 2864, are suspended in accordance with said Order.

\_\_\_\_\_ J.