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IN THE SUPREME COURT OF PENNSYLVANIA

CAROL ANN CARTER *et al.*,

Petitioners,

v.

LEIGH M. 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.

No. 7 MM 2022

PHILIP T. GRESSMAN *et al.*,

Petitioners,

v.

LEIGH M. 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.

RESPONDENTS' APPLICATION FOR CLARIFICATION REGARDING THE ELECTION CALENDAR FOR PARTY OFFICES

Respondents, Leigh M. Chapman, the Acting Secretary of the Commonwealth, and Jessica Mathis, the Director for the Pennsylvania Bureau of Election Services and Notaries, respectfully submit this application seeking clarification of the election calendar deadlines applicable to races for political party offices, including state and county committees.¹ In support of this Application, Respondents state as follows:

1. On February 23, 2022, this Court entered an Order vacating the Court's February 9, 2022 Order that temporarily suspended the General Primary Election calendar for all offices. *See* February 23, 2022 Order (per curiam), *Carter, et al. v. Chapman, et al.*, No. 7 MM 2022 (the "*Carter* February 23

¹ *See* 25 P.S. § 2834 ("Each political party shall be directed by a State committee"); 25 P.S. § 2837 ("There may be in each county a county committee for each political party within such county").

Order”). The *Carter* February 23 Order modified the calendar for congressional and statewide elections in certain respects, including by directing that the circulation and filing of nomination petitions for those offices begin on February 25, 2022. *Id.*

2. On the same day, February 23, 2022, this Court also issued an Order temporarily suspending the General Primary Election calendar “relative to elections for seats in the General Assembly.” See February 23, 2022 Order (per curiam), *In Re: Petitions For Review Challenging The Final 2021 Legislative Reapportionment Plan*, No. 569 Judicial Administration Docket (the “LRC February 23 Order”).

3. Neither the *Carter* February 23 Order nor the *LRC* February 23 Order specifically addresses the period for circulation and filing of nomination petitions—or the election calendar more generally—for party offices, including state and county committees (the “Party Offices”).² In other words, the Court’s Orders do not prescribe an election schedule for the Party Offices, nor do they suspend the schedule for these Offices. Further, because the election calendar for the Party Offices had been stayed by the Court’s February 9, 2022 Order in this

² Respondents recognize that their previous proposals regarding modified election calendars also did not address the election calendar for these offices.

action, the statutory deadline for beginning to circulate and file nomination petitions for the Party Offices has now passed.

4. Accordingly, Respondents respectfully seek clarification from this Court regarding the election calendar for the Party Offices.

5. For several reasons, Respondents propose that the election calendar for the Party Offices follow the same schedule Respondents have proposed for the state legislative calendar. *See* Respondents' Answer to the Application of Petitioner Kerry Benninghoff for Emergency Relief Directed to the 2022 Elections at 10-12, *Benninghoff v. 2021 Legislative Reapportionment Commission*, No. 11 MM 2022. First, state committee apportionment is, to some extent, dependent on legislative reapportionment. Indeed, state committee members in some counties are not elected at large, but rather by congressional or legislative district. Second, candidates for state and county committees are more similar to state legislative candidates than they are to candidates for statewide and federal offices. They are either elected within a county or an individual municipality to represent the members of the party within that county or municipality. Third, a shorter circulation period (as Respondents have proposed for the state legislative calendar) should not unduly burden candidates for the Party Offices because, as with state legislative candidates, signature requirements for party committee members are

relatively low in most counties when compared to statewide and congressional candidates.

6. Accordingly, Respondents respectfully request that the Court (1) temporarily suspend the election calendar relative to elections for the Party Offices, as the Court has done for elections for seats in the General Assembly; and (2) issue a modified calendar for elections for the Party Offices, aligned with the calendar governing elections to the General Assembly, at the time the Court issues the General Assembly election calendar.

7. In the event the Court is inclined to provide the requested clarification, Respondents submit a Proposed Order for the Court's consideration.

Dated: February 24, 2022

Respectfully submitted,

HANGLEY ARONCHICK SEGAL
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**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

CAROL ANN CARTER *et al.*,

Petitioners,

v.

LEIGH M. 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,

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No. 7 MM 2022

[PROPOSED] ORDER

AND NOW, this ___ day of February, 2022, the General Primary Election calendar relative to elections for party offices, including state and county committees, is **TEMPORARILY SUSPENDED** pending further order of this Court.

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: February 24, 2022

/s/ Robert A. Wiygul
Robert A. Wiygul