

1. On March 2, 2022, this Court granted the Board’s prior petition to intervene in this case and entered an order clarifying that the circulation period for nominating petitions for local party offices would end on March 15, 2022 (the “March 2 Order”).

2. On March 11, 2022—four days before the circulation period was set to end—the Republican Committees filed their own application for intervention.

3. The Board now respectfully requests permission to intervene once again in opposition to the Republican Committees’ application.

4. In the Republican Committees’ application, they request reconsideration of the March 2 Order and an undefined extension of the petition circulation period to run either “until the final day for submission of state legislative office candidates or in the alternative a minimum seven (7) days.” *See* Republican Committees’ Application to Intervene at ¶ 16.

5. In support, the Republican Committees argue that the March 2 Order should be reconsidered because it “affects local committee candidates and officer [sic] holders by making it more difficult for them to appear on the ballot.” *See id.* at ¶ 19.

6. The Republican Committees argue that “many local committee office holders or candidates have or may have adjusted travel or work schedules so that they would be travelling or otherwise away from their electoral district during the period of nomination petition circulation and therefore unable” to gather the required signatures. *See id.* at ¶ 21. As support for that proposition, they attach a single declaration from one local office candidate and then speculate that “[m]ore instances of this type of challenge are likely to exist” but that they have no such proof. *Id.* at ¶ 22.

7. They then extrapolate from this single conflict that “this shortened process may preclude or otherwise have a ‘chilling effect’ on certain Local Committee candidates seeking office in this cycle, *from either party.*” *See id.* at ¶ 27 (emphasis in original).

8. Simply put, this excuse is insufficient to justify reconsideration of the March 2 Order and throw the election calendar into uncertainty once again.

9. A Motion for Reconsideration may only be granted if the court “(1) made a clear error of law or of fact resulting in manifest injustice, (2) newly discovered evidence has become available when the original motion was decided, or (3) there has been intervening change in controlling law.” *Bada v. Comcast Corp.*, 2015 WL 6675399, at *10 (Pa. Super. Ct. Aug. 21, 2015) (citing *Joseph F. Cappelli & Sons, Inc. v. Keystone Custom Homes, Inc.*, 815 A.2d 64, 648 (Pa. Super. 2003)).

10. The Republican Committees have not even attempted to make a showing under any of the reasons justifying reconsideration.

11. Instead, the Republican Committees waited 9 days to file their Application to Intervene and in response mustered only a single local office candidate, Loretta Radanovic, who had made prior travel arrangements that conflict with the election calendar.

12. In the meantime, the Board—and likely many other boards of election across the state—has relied on the March 2 Order in planning for its own administration of the May 17, 2022 primary.

13. Extending the nomination petition circulation period once again will now force the Board, and other boards, to adjust their processes for drafting, printing, and testing ballots ahead of the primary election. The Board described these processes to the Court in its prior submission on this issue, which is reattached here as **Exhibit A**.

14. The Republican Committees show no basis for reconsideration of the March 2 Order. While the local office candidate's conflict is unfortunate, a single person's travel plan is hardly a compelling reason to justify changing the statewide election calendar once again.

15. Moreover, the petition is untimely. The March 2 Order is set to expire tomorrow, March 15. The Republican Committees waited 9 days to file their application. This issue could have been addressed on March 3, or even March 9 (the date of Ms. Radanovic's declaration) instead of just before the deadline. Changing the calendar so close to the deadline will result in more administrative burden for the Board and its analogues across the state.

16. Respectfully, the Board requests that its application to intervene be granted and its opposition to the Republican Committees' application be considered by this Court.

17. The Board also respectfully requests that this Court rejects the Republican Committees' request for reconsideration of the March 2 Order.

Dated: March 14, 2022

Respectfully submitted,

/s/ J. Manly Parks, Esq.

J. Manly Parks (74647)
Nicholas M. Centrella, Jr. (326127)
30 South 17th Street
Philadelphia, PA 19103
Tel.: (215) 979-1000
JMParks@duanemorris.com
NMCentrella@duanemorris.com

**CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY OF
THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA**

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/ Nicholas M. Centrella, Jr.

EXHIBIT

A

1. On February 24, 202, Leigh M. Chapman (Acting Secretary of the Commonwealth) and Jessica Mathis (Director for the Pennsylvania Bureau of Election Services and Notaries) (collectively, “State Petitioners”) filed an Application for Clarification Regarding the Election Calendar for Party Offices (“Application”).

2. In their Application, the State Petitioners request that this Court issue a clarifying order whereby the election calendar for *all* party offices would follow the same schedule the State Petitioners have proposed for the state legislative calendar. *See* Application at ¶ 5.

3. In support the State Petitioners argue that state committee apportionment is “dependent on legislative reapportionment,” that “candidates for state and county committees are more similar to state legislative candidates than they are to candidates for statewide and federal offices,” and that a “shorter circulation period...should not unduly burden candidates for the Party Offices because...signature requirements for party committee members are relatively low when compared to statewide and congressional candidates.” *Id.*

4. Missing from State Petitioners’ formulation is the interest of county boards of election statewide, including the Board.

THE NOMINATION PETITION PROCESS FOR PRECINCT-LEVEL PARTY OFFICES SHOULD NOT BE FURTHER STAYED

5. The State Petitioners' proposal does not specifically address precinct-level party offices but the rationales advanced for the State Petitioners' proposal to maintain a stay for party offices do not apply to precinct-level party offices. The inclusion of precinct-level party offices in the stay is unnecessary and would create immense logistical hurdles for county boards of election, including the Intervenor .

6. While state-level candidate positions are dependent on legislative reapportionment, precinct-level nominations and seats are not.¹

7. In fact, Precinct boundaries are not in dispute in any county and cannot change until after the November 2022 Election.

8. Adopting a state-level calendar for precinct-level seats is therefore unnecessary.

9. Granting the State Petitioners' proposed relief as to precinct-level seats would also create logistical chaos that would severely impact precinct-level candidates in the November 2022 Election.

10. The filing period for precinct-level committee seats would have normally begun on February 15th and run through March 8th. *See* 25 P.S. § 2868 (setting time for circulating nomination petitions).

¹ The Board agrees with the State Petitioners that state political party offices (whose districts are tied to state legislative districts) will need to wait until the completion of the legislative reapportionment to circulate and file petitions once district lines are determined.

11. Postponing the circulation and filing period to the end of March, and requiring the orderly administration of a primary scheduled to be held on May 17, 2022, would result in administrative chaos.

12. For example, ballots must be prepared and printed with the names of all candidates in each precinct in time for the primary election.

13. Before going to print, proposed ballots are required by law to undergo Logic and Accuracy testing to ensure they work in vote scanning machines. *See* 25 P.S. § 3031.5.

14. To perform these tests, the Board must print test decks of each precinct ballot to run through scanners, verify the ballots are properly printed, and verify that the scanners are reading the ballots correctly.

15. The Board can only order ballots to be printed for in-precinct voting and mail-in voters (whose ballots must then be mailed to them before the primary) after that testing is completed.

16. This process of printing and testing the ballots—a time intensive endeavor—can only begin once the precinct candidates are finalized.

17. The sheer number of local party offices and candidates renders the task of preparing and testing the ballots within a compressed time period unworkable.

18. For example, Delaware County has 428 precincts, each of which may elect two Democratic precinct committee persons, meaning there are 856 ballot positions open on 428 different ballots. More than two candidates can compete for the two party officer seats in each precinct.

19. The Board, therefore, must finalize at least 856 positions with the names of candidates, resolve any objections, create the ballots, print the ballots, and test them for logic and accuracy all before the primary election.

20. While the Board has already begun this process, it cannot afford to wait another month to finalize candidates due to a delayed circulation and filing period.

21. Adopting this procedure statewide would take the Board's position and multiply it by a factor of 200 statewide. Boards of Election across the state will encounter identical logistical issues, which could severely disrupt the primary election process.

INTERVENTION IS APPROPRIATE

22. Pennsylvania Rule of Civil Procedure 2327 permits intervention “[a]t any time during the pendency of an action” if “such person could have joined as an original party in the action or could have been joined therein” or if “the determination of such action may affect any legally enforceable interest” of the non-party, regardless of whether a judgment would bind the non-party.

23. Here, the Board could have joined as an original party in this action to seek an independent calendar for precinct-level candidates.

24. Additionally, the adoption of the State Petitioners' proposal imposes on the Board's election administration duties and therefore provides the Board with an enforceable interest in the determination of this case.

25. The Board therefore respectfully requests that it be permitted to intervene in this case in order to protect those interests.

Dated: February 25, 2022

Respectfully submitted,

/s/ J. Manly Parks, Esq.

J. Manly Parks (74647)
Nicholas M. Centrella, Jr. (326127)
30 South 17th Street
Philadelphia, PA 19103
Tel.: (215) 979-1000
JMParks@duanemorris.com
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/s/ Nicholas M. Centrella, Jr.