

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

DAVE McCORMICK FOR U.S. SENATE, and  
DAVID H. McCORMICK,

Petitioners,

v.

Case No. 286 MD 2022

LEIGH M. CHAPMAN, in her official capacity  
as Acting Secretary of State for the Commonwealth,  
et al.,

Respondents.

\_\_\_\_\_ /

**JOINT STIPULATION OF FACTS**

Paragraph 7 of the Court’s May 25, 2022 Order instructs the parties to file by no later than 12:00 noon on Friday, May 27, 2022, “a joint stipulation of facts . . . indicating which county boards of elections are not following the Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and explaining why the emergency relief requested in the Motion for Special Injunction is necessary.” *See* May 25, 2022 Order, ¶ 7. Pursuant to that instruction, counsel for Petitioners sent a questionnaire to counsel for all Respondent County Boards of Elections on May 25, 2022. Counsel for Proposed Intervenors Doctor Oz for Senate and Dr. Mehmet Oz sent additional questions on May 26, 2022. The questions and responses are attached to this Stipulation as Exhibit 1. This Stipulation provides a summary of the responses and

other information relevant to Petitioners' request for emergency relief. The undersigned parties have joined this Stipulation subject to the caveat that the Respondent Boards and the Acting Secretary are stipulating only to the facts that are applicable and known to them. Specifically, the parties, through their undersigned counsel, hereby stipulate to the following facts:

1. This action concerns the counting of timely received absentee and mail-in ballots cast in the May 17, 2022 Republican Primary that lacked the voter-provided date on the ballot's outer envelope as required by Sections 1306(a) and 1306-D(a) of the Pennsylvania Election Code, 25 P.S. §§ 3146.6(a) & 3150.16(a).

2. A true and correct copy of the Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022 ("May 24, 2022 Absentee/Mail-In Ballot Return Guidance"), is available at <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/2022-05-24-Guidance-Segregated-Undated-Ballots.pdf> (last visited May 27, 2022), and attached hereto as Exhibit 2.

3. All the Respondent County Boards of Elections who responded to Petitioners' questionnaire have received the May 24, 2022 Absentee/Mail-In Ballot Return Guidance.

4. A true and correct copy of the Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return

Envelopes, dated September 11, 2020 (“September 11, 2020 Absentee/Mail-In Ballot Return Guidance”), is available at <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/Examination%20of%20Absentee%20and%20Mail-In%20Ballot%20Return%20Envelopes.pdf> (last visited May 27, 2022), and attached hereto as Exhibit 3.

5. Except for the Bedford and Lancaster County Boards of Elections, all the County Boards of Elections who responded to Petitioners’ questionnaire received the September 11, 2020 Absentee/Mail-In Ballot Return Guidance. As for the Bedford and Lancaster County Boards of Elections, neither have been able to locate information which confirms that they received the September 11, 2020 Absentee/Mail-In Ballot Return Guidance, which was publicly available to them. The Acting Secretary confirmed that the September 11, 2020 Guidance was sent to all County Boards of Elections.

6. On May 17, 2022, a General primary was held in Pennsylvania, in which candidates for all offices to be filled at the November 8, 2022 General Election shall be nominated by the Pennsylvania Republican Party (“May 17, 2022 Primary”). *See* Section 603 of the Pennsylvania Election Code, 25 P.S. § 2753.

7. One of the offices for which a nominee of the Pennsylvania Republican Party is to be elected during the May 17, 2022 Primary is the United States Senate.

8. Petitioner Dave McCormick for U.S. Senate (the “McCormick Campaign”) is the principal campaign committee for Petitioner David H. McCormick, who ran in the May 17, 2022 Primary to serve as the Republican candidate to represent Pennsylvania in the United States Senate.

9. Proposed Intervenor Doctor Oz for Senate (the “Oz Campaign”) is the principal campaign committee for Proposed Intervenor Dr. Mehmet Oz, who also ran in the May 17, 2022 Primary to serve as the Republican candidate to represent Pennsylvania in the United States Senate.

10. Pursuant to Section 1404(g)(1)(i) of the Pennsylvania Election Code, 25 P.S. § 3154(g)(1)(i), the Acting Secretary of State for the Commonwealth issued on May 26, 2022, an Order of Recount for the Republican Primary for United States Senator, attached as Exhibit 4, and a Declaration Regarding Unofficial Returns for the General Primary Held May 17, 2022, attached as Exhibit 5.

11. Pursuant to Section 1404(g)(5)(ii)-(iii) of the Pennsylvania Election Code, 25 P.S. § 3154(g)(5)(ii)-(iii), the County Boards of Elections must complete the Secretary-ordered recount and recanvass by noon on Tuesday, June 7, 2022, and submit the results of the recount and recanvass to the Acting Secretary of State for the Commonwealth by noon on Wednesday, June 8, 2022. *See* 25 P.S. § 3154(g)(5)(ii)–(iii). Then, pursuant to Section 1409 of the Pennsylvania Election Code, 25 P.S. § 3159, the Secretary “shall forthwith proceed to tabulate, compute

and canvass the votes cast for all candidates . . . and shall thereupon certify and file in [her] office the tabulation thereof.” *Id.*

12. Petitioners did not name the following County Boards of Elections as respondents in this suit on the ground that these Boards had represented to have already counted absentee and mail-in ballots that lack a voter-provided date on the outer envelope along with the rest of the absentee and mail-in ballots that lacked any other deficiency:

Armstrong County Board of Elections  
Erie County Board of Elections  
Greene County Board of Elections  
Philadelphia County Board of Elections  
Schuylkill County Board of Elections  
Susquehanna County Board of Elections  
York County Board of Elections

13. Petitioners have applied for voluntary discontinuance as to the following County Boards of Elections on the ground that this Board has now counted absentee and mail-in ballots that lack a voter-provided date on the outer envelope along with the rest of the absentee and mail-in ballots that lacked any other deficiency:

Sullivan County Board of Elections

14. Petitioners have applied for voluntary discontinuance as to the following County Boards of Elections on the ground that the Solicitors and/or Counsel of Record for these Boards informed Petitioners’ counsel that their

respective Boards either (1) did not receive any non-overseas/non-military absentee/mail-in ballots without a voter-supplied date on the outside envelope, or (2) are complying with the instructions in the May 24, 2022 Absentee/Mail-In Ballot Return Guidance to count those ballots but keep them segregated and report separate vote tallies pending the Department of State's decision whether to include those votes when certifying the election:

Adams County Board of Elections  
Bedford County Board of Elections  
Cameron County Board of Elections  
Clinton County Board of Elections  
Crawford County Board of Elections  
Elk County Board of Elections  
Potter County Board of Elections  
Union County Board of Elections  
Warren County Board of Elections  
Washington County Board of Elections  
Wyoming County Board of Elections

15. In response to Petitioners' questionnaire, counsel for the following County Boards of Elections stated that their respective Boards did not receive any Republican absentee or mail-in ballots that lacked a voter-provided date on the ballot's outer envelope:

Clarion County Board of Elections  
Columbia County Board of Elections  
Jefferson County Board of Elections  
Lackawanna County Board of Elections  
Perry County Board of Elections  
Venango County Board of Elections

16. As the County Boards of Elections identified in Paragraph 15 received no absentee or mail-in ballots that lack a voter-provided date on the ballot's outer envelope, it is stipulated that they should be removed as parties to this litigation.

17. In response to Petitioners' questionnaire, counsel for the following County Boards of Elections not already listed in Paragraph 14 stated that their respective Boards are complying with the instructions in the May 24, 2022 Absentee/Mail-In Ballot Return Guidance by counting but segregating absentee and mail-in ballots that lack a voter-provided date on the outer envelope and providing separate vote tallies to the Department of State:

Bucks County Board of Elections  
Centre County Board of Elections  
Chester County Board of Elections  
Delaware County Board of Elections  
Franklin County Board of Elections  
Indiana County Board of Elections  
Luzerne County Board of Elections  
Montgomery County Board of Elections  
Tioga County Board of Elections

18. As the County Boards of Elections identified in Paragraph 17 are following the May 24, 2022 Absentee/Mail-In Ballot Return Guidance with respect to absentee or mail-in ballots that lack a voter-provided date on the ballot's outer envelope, it is stipulated that they should be removed as parties to this litigation.

19. The Somerset County Board of Elections is not included in the list set forth in Paragraph 17 because it is not clear from its counsel's response to

Petitioners' questionnaire whether the Board has complied with the May 24, 2022 Absentee/Mail-In Ballot Return Guidance.

20. Counsel for the Allegheny County Board of Elections responded to Petitioners' questionnaire as follows: "As required by paragraph 7 of the Court's May 25 scheduling Order, be advised that Allegheny County has complied with the DOS 'Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes' dated May 24, 2022." Further, Allegheny County Board's counsel stated that "Allegheny County has segregated undated mail in/absentee ballots, counted same, and those results have not been included with Allegheny County's reported results." Because Allegheny County's results are not being reported to the Department of State, this Board is not included in Paragraph 17.

21. In response to Petitioners' questionnaire, counsel for the following County Boards of Elections stated that their respective Boards have counted absentee and mail-in ballots that lack a voter-provided date on the outer envelope in a single count with the rest of the absentee and mail-in ballots that lacked any other deficiency:

Lehigh County Board of Elections

22. As the County Boards of Elections identified in Paragraph 21 have counted absentee and mail-in ballots that lack a voter-provided date on the outer



envelope along with the rest of the absentee and mail-in ballots that lacked any other deficiency, it is stipulated that they should be removed as parties to this litigation.

23. In response to Petitioners' questionnaire, counsel for the following County Boards of Elections stated that their respective Boards will follow the May 24, 2022 Absentee/Mail-In Return Guidance:

Huntingdon County Board of Elections  
Mifflin County Board of Elections

24. As the County Boards of Elections identified in Paragraph 23 have committed to follow the May 24, 2022 Absentee/Mail-In Ballot Return Guidance, it is stipulated that they should be removed as parties to this litigation once they have complied with the May 24, 2022 Guidance.

25. In response to Petitioners' questionnaire, counsel for the following County Boards of Elections indicated that their respective Boards are not currently following the May 24, 2022 Absentee/Mail-In Return Guidance with regard to absentee or mail-in ballots that lack a voter-provided date on the outer envelope:

Bradford County Board of Elections  
Blair County Board of Elections  
Butler County Board of Elections  
Dauphin County Board of Elections  
Fayette County Board of Elections  
Lancaster County Board of Elections  
Lycoming County Board of Elections  
Westmoreland County Board of Elections

26. As reflected in the Berks County Board of Elections' Answer to Petitioner's application to the Pennsylvania Supreme Court to exercise King's Bench or extraordinary jurisdiction over this matter, attached as Exhibit 6, this Board's position is that Pennsylvania law requires mail-in and absentee ballots to be both signed and dated. According to its filing, the Board is canvassing absentee and mail-in ballots that lack a voter-provided date on the outer envelope, but is keeping the ballots and results segregated, and its intention is not to count absentee or mail-in ballots that lack a voter-provided date "absent further clarity or finality from the Courts that substantively changes Pennsylvania law."

27. Counsel for all but two of the County Boards of Elections that responded to Petitioners' questionnaire stated that their respective Boards receipt-stamped all absentee or mail-in ballots that were received before 8 p.m. on election day for the May 17, 2022 Primary. The remaining two Boards (the Columbia and Union County Boards of Elections, neither of which received any absentee or mail-in ballots that lack a voter-provided date on the outer envelope) indicated that they use the SURE system to record the date of a ballot's receipt.

28. Counsel for the following County Boards of Elections did not respond to Petitioners' questionnaire:

Beaver County Board of Elections  
Cambria County Board of Elections  
Carbon County Board of Elections  
Clearfield County Board of Elections

Cumberland County Board of Elections  
Forest County Board of Elections  
Fulton County Board of Elections  
Juniata County Board of Elections  
Lawrence County Board of Elections  
Lebanon County Board of Elections  
McKean County Board of Elections  
Mercer County Board of Elections  
Monroe County Board of Elections  
Montour County Board of Elections  
Northampton County Board of Elections  
Northumberland County Board of Elections  
Pike County Board of Elections  
Snyder County Board of Elections  
Wayne County Board of Elections

Dated: May 27, 2022

Respectfully Submitted,

/s/ Ronald L. Hicks, Jr.

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\*Motions for admission pro hac vice  
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The following Respondents join or do not oppose this stipulation:

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Elk County Board of Elections*

# EXHIBIT 1

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

DAVE McCORMICK FOR U.S. SENATE, and  
DAVID H. McCORMICK,

Petitioners,

v.

Case No. 286 MD 2022

LEIGH M. CHAPMAN, in her official capacity  
as Secretary of State for the Commonwealth,  
*et al.*,

Respondents.

\_\_\_\_\_ /

**EXHIBIT 1 TO JOINT STIPULATION OF FACTS**

Dated: May 27, 2022

/s/ Ronald L. Hicks, Jr.

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\*Motions for admission pro hac vice  
forthcoming

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# Exhibit 1

**From:** [Molly Mudd](#)  
**To:** [Hicks, Ronald L., Jr.](#)  
**Cc:** [Angie Crouse](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 11:48:05 AM  
**Importance:** High

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**#External Email#**

Mr. Hicks,

The responses of the Adams County Board of Elections appear below in red.- thks. MRM

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Adams County Solicitor

Adams County Prison Board Solicitor

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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of

Elections (hereinafter, “You”) the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **WE HAVE ALWAYS RECEIPT STAMPED ABSENTEEE/MAIL-IN BALLOTS**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **YES**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **YES**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **(9)**
  - b. Contained an incorrect or incomplete date? **(0)**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **YES**
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; **NO**
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **YES – REPORTED TO DOS MAY 25TH**
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **YES**

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

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**End of notice**

**From:** Molly Mudd <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>

**Date:** Wednesday, May 25, 2022, 4:29 PM

**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>, [tgates@pa.gov](mailto:tgates@pa.gov) <[tgates@pa.gov](mailto:tgates@pa.gov)>

**Cc:** Sean A. Mott <[samott@adamscounty.us](mailto:samott@adamscounty.us)>, Angie Crouse <[acrouse@adamscounty.us](mailto:acrouse@adamscounty.us)>, Paula Neiman <[pneiman@adamscounty.us](mailto:pneiman@adamscounty.us)>

**Subject:** #EXT# In Re McCormick v. Chapman et. al. - Adams County Board of Elections Canvass

**#External Email#**

Dear Mr. Hicks and Mr. Gates,

The Adams County Board of Elections has reviewed and followed the Pennsylvania Department of State's May 24<sup>th</sup> Guidance Concerning Examination of Absentee and Mail-in Ballot Return Envelopes. This morning, May 25<sup>th</sup> at 10:00 AM, the Adams County Board of Elections re-convened for the purpose of canvassing all (9) of the undated absentee and mail-in ballots, and has reported those results to DOS pursuant to the DOS Guidance.

Today's scheduling order from the Pennsylvania Supreme Court requires that "The parties shall PACFile a joint stipulation of facts no later than 12:00 noon on Friday, May 27, 2022, indicating which county boards of elections are not following the Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and explaining why the emergency relief requested in the Motion for Special Injunction is necessary." I trust that the above-information will assist you in the drafting and filing of the Joint Stipulation of Facts required by the Court.

Thank you for your consideration.

*Molly R. Mudd, Esquire*

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Adams County Prison Board Solicitor  
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Gettysburg, PA 17325  
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**From:** Allan J. Opsitnick <aopsitnick@opsitnickslaw.com>

**Sent:** Friday, May 27, 2022 10:33 AM

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

All, for clarification, as to Allegheny County, this language can be inserted, per the DOS Directive:

Allegheny County has segregated undated mail in/absentee ballots, counted same, and those results  
have not been included with Allegheny County's reported results.

Allan J. Opsitnick  
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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Friday, May 27, 2022 9:29 AM

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Good morning, everyone.

Attached is the draft stipulation for your review and comment. We are still putting together the proposed exhibits. In the meantime, please let us know what comments you have and whether your clients agree with the stipulation.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Thursday, May 26, 2022 8:26 PM

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Good evening, Solicitors and Counsel.

Thank you for your responses. If you have not responded to the below message or the one sent by Dr. Oz's attorneys, we ask that you please do so before 10:00 p.m. this evening.

Also, we are assimilating the information that has been provided to date and will send out tomorrow morning by 9:00 a.m. a draft fact stipulation. Your prompt response or comments to this stipulation will be much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?

- b. If your answer to Question 1 is in the negative,
      - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
      - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,



## **RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

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**From:** Allan J. Opsitnick <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>

**Sent:** Thursday, May 26, 2022 9:52 PM

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Mr. Hicks,

As required by paragraph 7 of the Court's May 25 scheduling Order, be advised that Allegheny County has complied with the DOS "Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes" dated May 24, 2022.

Allan J. Opsitnick, Assistant County Solicitor  
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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Good evening, Solicitors and Counsel.

Thank you for your responses. If you have not responded to the below message or the one sent by Dr. Oz's attorneys, we ask that you please do so before 10:00 p.m. this evening.

Also, we are assimilating the information that has been provided to date and will send out tomorrow

morning by 9:00 a.m. a draft fact stipulation. Your prompt response or comments to this stipulation will be much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

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**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@alleghenycounty.us' <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cshnee@countyofberks.com' <[cshnee@countyofberks.com](mailto:cshnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>; 'martinw@co.delaware.pa.us' <[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)>; 'twagner@mwbklaw.com' <[twagner@mwbklaw.com](mailto:twagner@mwbklaw.com)>; 'jackpurcell146@gmail.com' <[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com)>; 'attorneys@sbgilawoffice.com' <[attorneys@sbgilawoffice.com](mailto:attorneys@sbgilawoffice.com)>; 'Jerrolsulcove@blackanddavisson.com' <[Jerrolsulcove@blackanddavisson.com](mailto:Jerrolsulcove@blackanddavisson.com)>; 'dsslw@dsslwlaw.com' <[dsslw@dsslwlaw.com](mailto:dsslw@dsslwlaw.com)>; 'pmcmanamon@penn.com' <[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com)>; 'mtb@bwlaw120.com' <[mtb@bwlaw120.com](mailto:mtb@bwlaw120.com)>; 'cjz@zwick-law.com'

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'jepfursich@co.lancaster.pa.us' <[jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us)>; 'tleslie@co.lawrence.pa.us'  
<[tleslie@co.lawrence.pa.us](mailto:tleslie@co.lawrence.pa.us)>; 'warner@buzgondavis.com' <[warner@buzgondavis.com](mailto:warner@buzgondavis.com)>;  
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'theclarkefirm@yahoo.com' <[theclarkefirm@yahoo.com](mailto:theclarkefirm@yahoo.com)>; 'wjmpc1@gmail.com'  
<[wjmpc1@gmail.com](mailto:wjmpc1@gmail.com)>; 'ssnook@bmzlaw.com' <[ssnook@bmzlaw.com](mailto:ssnook@bmzlaw.com)>; 'john@matergiadunn.com'  
<[john@matergiadunn.com](mailto:john@matergiadunn.com)>; 'jstein1@montcopa.org' <[jstein1@montcopa.org](mailto:jstein1@montcopa.org)>;  
'pnewcome@montcopa.org' <[pnewcome@montcopa.org](mailto:pnewcome@montcopa.org)>; 'info@mmdplaw.com'  
<[info@mmdplaw.com](mailto:info@mmdplaw.com)>; 'mrudas@northamptoncounty.org' <[mrudas@northamptoncounty.org](mailto:mrudas@northamptoncounty.org)>;  
'fwgarrigan@gmail.com' <[fwgarrigan@gmail.com](mailto:fwgarrigan@gmail.com)>; 'wrb@pa.net' <[wrb@pa.net](mailto:wrb@pa.net)>;  
'cweed@kfblawoffice.com' <[cweed@kfblawoffice.com](mailto:cweed@kfblawoffice.com)>; 'tom@410ross.com' <[tom@410ross.com](mailto:tom@410ross.com)>;  
'clawoff@hotmail.com' <[clawoff@hotmail.com](mailto:clawoff@hotmail.com)>; 'mpbarbera@barberalaw.com'  
<[mpbarbera@barberalaw.com](mailto:mpbarbera@barberalaw.com)>; 'krllaw@epix.net' <[krllaw@epix.net](mailto:krllaw@epix.net)>; 'cgabriel@cfwwg.com'  
<[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'jdewald@mpvhlaw.com' <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>;  
'rwinkler@zoominternet.net' <[rwinkler@zoominternet.net](mailto:rwinkler@zoominternet.net)>; 'contact@theschmidtlawfirm.com'  
<[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)>; 'jpg Grimm@vorys.com' <[jpg Grimm@vorys.com](mailto:jpg Grimm@vorys.com)>;  
'wkay@waynecountypa.gov' <[wkay@waynecountypa.gov](mailto:wkay@waynecountypa.gov)>; 'solicitor@co.westmoreland.pa.us'  
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<[plitwin@epix.net](mailto:plitwin@epix.net)>; 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov'  
<[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>;  
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<[aszefi@allegHENYcounty.us](mailto:aszefi@allegHENYcounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>;  
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<[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'ddgrieser@buckscounty.org' <[ddgrieser@buckscounty.org](mailto:ddgrieser@buckscounty.org)>;  
'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cfrens@chesco.org' <[cfrens@chesco.org](mailto:cfrens@chesco.org)>;  
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'Rsantee@northamptoncounty.org' <[Rsantee@northamptoncounty.org](mailto:Rsantee@northamptoncounty.org)>;  
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<[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>  
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'Gore, John M.' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>; 'Kathleen Gallagher' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; 'Russell  
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<[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>;  
'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; 'jmasterman@cooperkirk.com'  
<[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth



Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:

- a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
- b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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**From:** [Debra Brown](#)  
**To:** [Hicks, Ronald L., Jr.](#)  
**Cc:** [Dean Crabtree](#); [Angie Ferguson](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 8:55:20 AM  
**Importance:** High

---

**#External Email#**

Good morning:

Please see responses below in red to the best of my knowledge.

Debra

*Debra Brown, Chief Clerk/Director of Elections*

*200 South Juliana Street ~ Suite 301*

*Bedford, PA 15522*

*Email: [dbrown@bedfordcountypa.org](mailto:dbrown@bedfordcountypa.org)*

*Phone: 814-623-4807*

*Fax: 814-623-0991*

---

**From:** Koontz & Crabtree law office <dcrabtree.kclaw@comcast.net>  
**Sent:** Thursday, May 26, 2022 8:30 AM  
**To:** Debra Brown <DBrown@bedfordcountypa.org>  
**Subject:** FW: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Importance:** High

---

**From:** Hicks, Ronald L., Jr. [<mailto:RHicks@porterwright.com>]  
**Sent:** Wednesday, May 25, 2022 7:30 PM  
**To:** 'tgames@pa.gov'; 'mfischer@attorneygeneral.gov'; 'jboyer@attorneygeneral.gov'; 'kromano@attorneygeneral.gov'; 'mmudd@adamscounty.us'; 'andrew.szefi@alleghenycounty.us'; 'aopsitnick@opsitnickslaw.com'; 'gfedeles@beavercountypa.gov'; 'nmorgan@beavercountypa.gov'; 'dcrabtree.kclaw@comcast.net'; 'csadler@countyofberks.com'; 'cschnee@countyofberks.com'; 'nkarn@blairco.org'; 'Jonathan.Jr@fosterslawfirm.com'; 'amfitzpatrick@buckscounty.org'; 'WWhite@co.butler.pa.us'; 'wgbarbin@atlanticbb.net'; 'ewtompkinslaw@gmail.com'; 'dam@gmlawoffices.com'; 'bdupuis@babstcalland.com'; 'nforzato@chesco.org'; 'cgabriel@cfwwg.com'; 'Info@Varilaw.com'; 'lec@crwlaw.net'; 'ajm@mmkllp.com'; 'kbutton@shaferlaw.com'; 'solicitor@ccpa.net'; 'jcurcillo@dauphincounty.gov'; 'martinw@co.delaware.pa.us'; 'twagner@mwbkllaw.com'; 'jackpurcell146@gmail.com'; 'attorneys@sbgllawoffice.com'; 'Jerroldsulcove@blackanddavis.com'; 'dsslw@dsslwlaw.com'; 'pmcmanamon@penn.com'; 'mtb@bwlaw120.com'; 'cjz@zwick-law.com'; 'dzagurskie@juniataco.org'; 'RuggieroF@lackawannacounty.org'; 'Frederickson@lackawannacounty.org'; 'jepfursich@co.lancaster.pa.us'; 'tleslie@co.lawrence.pa.us'; 'warner@buzgondavis.com'; 'dmbesq@ptd.net'; 'Romilda.Crocamo@luzernecounty.org'; 'dsmith@mcclaw.com'; 'theclearkefirm@yahoo.com'; 'wjmpc1@gmail.com'; 'ssnook@bmzlaw.com'; 'john@matergiadunn.com'; 'jstein1@montcopa.org'; 'pnewcome@montcopa.org'; 'info@mmdplaw.com'; 'mrudas@northamptoncounty.org'; 'fwgarrigan@gmail.com'; 'wrb@pa.net'; 'cweed@kfblawoffice.com'; 'tom@410ross.com'; 'clawoff@hotmail.com'; 'mpbarbera@barberlaw.com'; 'krllaw@epix.net'; 'cgabriel@cfwwg.com'; 'jdewald@mpvhlaw.com'; 'rwinkler@zoominternet.net'; 'contact@theschmidtlawfirm.com'; 'jpggrimm@vorys.com'; 'wkay@waynecountypa.gov'; 'solicitor@co.westmoreland.pa.us'; 'krllaw@epix.net'; 'plitwin@epix.net'; 'tgames@pa.gov'; 'mfischer@attorneygeneral.gov'; 'jboyer@attorneygeneral.gov'; 'mmudd@adamscounty.us'; 'aszefi@alleghenycounty.us'; 'aopsitnick@opsitnickslaw.com'; 'nkarn@blairco.org'; 'amfitzpatrick@buckscounty.org'; 'ddgrieser@buckscounty.org'; 'nforzato@chesco.org'; 'cfrens@chesco.org'; 'NMCentrella@duanemorris.com'; 'JMParks@duanemorris.com'; 'maronchick@hangley.com'; 'Rsantee@northamptoncounty.org'; 'Mvargo@northamptoncounty.org'; 'jdewald@mpvhlaw.com'

**Cc:** 'Jonathan Goldstein'; 'Britain Henry'; 'Gore, John M.'; 'Kathleen Gallagher'; 'Russell Giancola'; 'tking@dmkcq.com'; 'tbreth@dmkcq.com'; 'msowardsnewton@jonesday.com'; 'scrosland@jonesday.com'; 'jmasterman@cooperkirk.com'

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **We have always done this**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **no**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **yes**
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; **yes** or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; **I don't recall** and

b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **yes**

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio / RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**From:** Kauffman, Cody <[CKauffman@countyofberks.com](mailto:CKauffman@countyofberks.com)>

**Sent:** Friday, May 27, 2022 8:11 AM

**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Cc:** Jonathan Goldstein <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; Mercer, Jeremy A. <[JMercer@porterwright.com](mailto:JMercer@porterwright.com)>

**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**#External Email#**

Ron,

Following up on the below, Berks County is following the May 24<sup>th</sup> guidance issued by the Department of State. We are canvassing the undated ballots while keeping both the ballots and results segregated pending the ongoing litigation, as per the DOS guidance.

One point I need to clarify is that, after speaking with our Elections staff this morning, we are still in the process of canvassing the undated ballots and, once completed, the results will be reported separately to DOS.

The canvassing of the undated ballots has not yet been completed and the results have not yet been reported separately to DOS. My apologies for any confusion in this regard.

Thanks,  
Cody

**Cody L. Kauffman, Esq.**

First Assistant County Solicitor

Berks County Solicitor's Office

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Reading, PA 19601

Tel: (610) 478-6105, ext. 6111

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[CKauffman@countyofberks.com](mailto:CKauffman@countyofberks.com)



---

**From:** Kauffman, Cody  
**Sent:** Thursday, May 26, 2022 2:21 PM  
**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Cc:** Jonathan Goldstein <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; Mercer, Jeremy A. <[JMercer@porterwright.com](mailto:JMercer@porterwright.com)>  
**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Ron,

Please see below in blue for responses from Berks County.

Thank you,  
Cody

**Cody L. Kauffman, Esq.**

First Assistant County Solicitor  
Berks County Solicitor's Office  
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Reading, PA 19601  
Tel: (610) 478-6105, ext. 6111  
Fax: (610) 478-6139  
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---

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Sent:** Wednesday, May 25, 2022 7:30 PM  
**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; Mudd, Molly <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; Szefi, Andrew <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; Fedeles, Garen <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; Morgan, Nathan <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; Crabtree, Dean <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; Sadler, Christine <[CSadler@countyofberks.com](mailto:CSadler@countyofberks.com)>; Schnee, Chad <[CSchnee@countyofberks.com](mailto:CSchnee@countyofberks.com)>; Karn, Nathan <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; Foster, Jonathan

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**Cc:** 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>; 'Gore, John M.' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>; 'Kathleen Gallagher' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; 'Russell Giancola' <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>; 'tking@dmkcq.com' <[tking@dmkcq.com](mailto:tking@dmkcq.com)>; 'tbreth@dmkcq.com' <[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>; 'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; 'jmasterman@cooperkirk.com' <[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

**County of Berks Warning:** This is an external email. Please exercise caution.

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Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **We have always timestamped receipt of ballots**
  - b. ~~If your answer to Question 1 is in the negative,~~
    - i. ~~Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?~~
    - ii. ~~Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?~~
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Yes, ballots missing a date have been segregated.**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **645 in total**
  - b. Contained an incorrect or incomplete date?

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? [We have canvassed those ballots, but have kept the ballots and results segregated, as per the recent 5/24/22 Department of State guidance.](#)
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? [We have segregated the vote count and reported them separately.](#)
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and [Yes](#)
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. [Yes](#)

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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Thank you.

**From:** [Nathan Karn](#)  
**To:** [Hicks, Ronald L., Jr.](#)  
**Subject:** #EXT# Re: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Wednesday, May 25, 2022 8:18:52 PM

---

**#External Email#**

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?

YES

**1. If your answer to Question 1 is in the affirmative, when did you first institute this process?**

This process has existed for many years prior to the existence of mail-in ballots when only absentee ballots were involved.

2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?

YES

3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?

YES

4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:

a. Missing a voter-provided date

17

b. Contained an incorrect or incomplete date

None readily identifiable

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?

NO

b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?

At the present time, Blair County is undecided as to whether it will count these ballots without a Court Order determining that such ballots will actually be included in the final totals. In 2020, the US Supreme Court required PA counties to canvass and segregate ballots that were ultimately never added to the final count.

6. Did You receive copies of the following guidance:

a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and

YES

b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

YES

Nathan W. Karn, Sr., Esq.  
Blair County Solicitor

For convenience, call me at my private law office: 814-695-7581 or fax: 814-695-1750

---

**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>

**Sent:** Wednesday, May 25, 2022 7:29:35 PM

**To:** 'tgates@pa.gov'; 'mfischer@attorneygeneral.gov'; 'jboyer@attorneygeneral.gov';  
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**Cc:** 'Jonathan Goldstein'; 'Britain Henry'; 'Gore, John M.'; 'Kathleen Gallagher'; 'Russell Giancola';  
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'scrosland@jonesday.com'; 'jmasterman@cooperkirk.com'

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

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Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m.

EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

Bio / RHicks@porterwright.com

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

6 PPG Place, Third Floor / Pittsburgh, PA 15222

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**END OF NOTICE**

**From:** Fitzpatrick, Amy M. <amfitzpatrick@buckscounty.org>  
**Sent:** Wednesday, May 25, 2022 10:45 AM  
**To:** Hicks, Ronald L., Jr.  
**Subject:** #EXT# FW: McCormick v. Chapman, \_\_\_ MD 2022 (PA)  
**Attachments:** 2022-05-24 Application for Extraordinary Relief (PA Supreme).pdf

**Importance:** High

**#External Email#**

Ronald,

The Bucks County Board of Elections voted to accept undated ballots at its public meeting yesterday. These ballots were canvased, scanned, and unofficial results were provided to the Pennsylvania Department of State last night. All undated ballots were scanned as a separate 'election' to ensure they were kept segregated in accord with Department of State guidance. How are you planning to address counties that voted to accept undated ballots in matters filed in the Pennsylvania Supreme Court and the Commonwealth Court?

Regards,

Amy

*Amy Fitzpatrick*  
*First Assistant County Solicitor*  
Law Department – County of Bucks  
55 E. Court St., 5<sup>th</sup> Floor  
Doylestown, PA 18901  
[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)  
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----- Forwarded message -----

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Date:** May 24, 2022 at 1:54:24 PM EDT  
**Subject:** McCormick v. Chapman, \_\_\_ MD 2022 (PA)  
**To:** [tgates@pa.gov](mailto:tgates@pa.gov), [kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov), [mmudd@adamscounty.us](mailto:mmudd@adamscounty.us), [andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us), [aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com), [gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov), [nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov), [dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net), [csadler@countyofberks.com](mailto:csadler@countyofberks.com), [cschnee@countyofberks.com](mailto:cschnee@countyofberks.com), [nkarn@blairco.org](mailto:nkarn@blairco.org), [Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com), Khan, Joseph J. <[jjkhan@buckscounty.org](mailto:jjkhan@buckscounty.org)>, [WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us), [wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net), [ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com), [dam@gmlawoffices.com](mailto:dam@gmlawoffices.com), [bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com), [nforzato@chesco.org](mailto:nforzato@chesco.org), [cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com), [Info@VariLaw.com](mailto:Info@VariLaw.com), [lec@crwlaw.net](mailto:lec@crwlaw.net), [ajm@mmkllp.com](mailto:ajm@mmkllp.com), [kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com), [solicitor@ccpa.net](mailto:solicitor@ccpa.net), [jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov), [martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us), [twagner@mwbklaw.com](mailto:twagner@mwbklaw.com), [jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com), [attorneys@sbgloffice.com](mailto:attorneys@sbgloffice.com), [Jerrolsulcove@blackanddavis.com](mailto:Jerrolsulcove@blackanddavis.com), [dsslslaw@dsslslawyers.com](mailto:dsslslaw@dsslslawyers.com), [pmcmanamon@penn.com](mailto:pmcmanamon@penn.com), [mtb@bwlaw120.com](mailto:mtb@bwlaw120.com), [1](mailto:cjz@zwick-</a></p></div><div data-bbox=)

law.com,dzagurskie@juniataco.org,RuggieroF@lackawannacounty.org,Fredericksond@lackawannacounty.org,jpfursich@co.lancaster.pa.us,tleslie@co.lawrence.pa.us,warner@buzgondavis.com,dmbesq@ptd.net,Romilda.Crocamo@luzernecounty.org,dsmith@mcclaw.com,theclarkefirm@yahoo.com,wjmpc1@gmail.com,ssnook@bmzlaw.com,john@matergia dunn.com,jstein1@montcopa.org,pnewcome@montcopa.org,info@mmdplaw.com,mrudas@northamptoncounty.org,fgarrigan@gmail.com,wrb@pa.net,cweed@kfblawoffice.com,tom@4ross.com,clawoff@hotmail.com,mpbarbera@barberalaw.com,krllaw@epix.net,cgabriel@cfwwg.com,jdewald@mpvhlaw.com,rwinkler@zoominternet.net,contact@theschmidtlawfirm.com,jana.grimm@steptoe-

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Cc: McGee, Carolyn B. <[CBMcGee@porterwright.com](mailto:CBMcGee@porterwright.com)>,Mercer, Jeremy A. <[JMercer@porterwright.com](mailto:JMercer@porterwright.com)>,Jonathan Goldstein <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>,Britain Henry <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>,Gore, John M. <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>,Kathleen Gallagher <[kag@glawfirm.com](mailto:kag@glawfirm.com)>,Russell Giancola <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>

**\*EXTERNAL\***

All,

Please see the attached copy of the Application for Extraordinary Relief filed today with the Pennsylvania Supreme Court. As soon as we receive a case number, we will advise you accordingly.

Best regards,

**Ronald L. Hicks, Jr.**  
Pronouns: he / him / his

Porter Wright Morris & Arthur LLP  
[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)  
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\*\*\*\*\*

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\*\*\*\*\*

**From:** [Fitzpatrick, Amy M.](#)  
**To:** [Hicks, Ronald L., Jr.](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["kromano@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["andrew.szefi@allegHENYcounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["gfedeles@beavercountypa.gov"](#); ["nmorgan@beavercountypa.gov"](#); ["dcrabtree.kclaw@comcast.net"](#); ["csadler@countyofberks.com"](#); ["cschnee@countyofberks.com"](#); ["nkarn@blairco.org"](#); ["Jonathan\\_Jr@fosterslawfirm.com"](#); ["WWhite@co.butler.pa.us"](#); ["wgbarbin@atlanticbb.net"](#); ["ewtompkinslaw@gmail.com"](#); ["dam@gmlawoffices.com"](#); ["bdupuis@babstcalland.com"](#); ["nforzato@chesco.org"](#); ["cgabriel@cfwwg.com"](#); ["Info@VariLaw.com"](#); ["lec@crwlaw.net"](#); ["ajm@mmkllp.com"](#); ["kbutton@shaferlaw.com"](#); ["solicitor@ccpa.net"](#); ["jcurcillo@dauphincounty.gov"](#); ["martinw@co.delaware.pa.us"](#); ["twagner@mwbkklaw.com"](#); ["jackpurcell146@gmail.com"](#); ["attorneys@sbglawoffice.com"](#); ["Jerroldsulcove@blackanddavisson.com"](#); ["dsslaw@dsslawyers.com"](#); ["pmcmanamon@penn.com"](#); ["mtb@bwlaw120.com"](#); ["cjz@zwick-law.com"](#); ["dzagurskie@juniataco.org"](#); ["RuggieroF@lackawannacounty.org"](#); ["Fredericksond@lackawannacounty.org"](#); ["jepfursich@co.lancaster.pa.us"](#); ["tleslie@co.lawrence.pa.us"](#); ["warner@buzgondavis.com"](#); ["dmbesq@ptd.net"](#); ["Romilda.Crocamo@luzernecounty.org"](#); ["dsmith@mcclaw.com"](#); ["theclarkefirm@yahoo.com"](#); ["wjmpc1@gmail.com"](#); ["ssnook@bmzlaw.com"](#); ["john@matergiadunn.com"](#); ["jstein1@montcopa.org"](#); ["pnewcome@montcopa.org"](#); ["info@mmdplaw.com"](#); ["mrudas@northamptoncounty.org"](#); ["fwgarrigan@gmail.com"](#); ["wrb@pa.net"](#); ["cweed@kfblawoffice.com"](#); ["tom@410ross.com"](#); ["clawoff@hotmail.com"](#); ["mpbarbera@barberalaw.com"](#); ["krllaw@epix.net"](#); ["cgabriel@cfwwg.com"](#); ["jdewald@mpvhlaw.com"](#); ["rwinkler@zoominternet.net"](#); ["contact@theschmidtlawfirm.com"](#); ["jggrimm@vorys.com"](#); ["wkay@waynecountypa.gov"](#); ["solicitor@co.westmoreland.pa.us"](#); ["krllaw@epix.net"](#); ["plitwin@epix.net"](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["aszefi@allegHENYcounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["nkarn@blairco.org"](#); ["Grieser, Daniel D."](#); ["nforzato@chesco.org"](#); ["cfrens@chesco.org"](#); ["NMCentrella@duanemorris.com"](#); ["JMParks@duanemorris.com"](#); ["maronchick@hangle.com"](#); ["Rsantee@northamptoncounty.org"](#); ["Mvargo@northamptoncounty.org"](#); ["jdewald@mpvhlaw.com"](#)  
**Cc:** ["Jonathan Goldstein"](#); ["Britain Henry"](#); ["Gore, John M."](#); ["Kathleen Gallagher"](#); ["Russell Giancola"](#); ["tking@dmkcq.com"](#); ["tbreth@dmkcq.com"](#); ["msowardsnewton@jonesday.com"](#); ["scrosland@jonesday.com"](#); ["jmasterman@cooperkirk.com"](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 1:30:11 PM

---

## #External Email#

All:

Here is the response of Bucks County to the questions posed;

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth? We have not yet received an order from the Secretary of State. Once we receive the order, we will notify candidates. The anticipated recount will begin June 1, 2022 at 9:00 a.m.
2. What is the full street address where the recount and recanvass will be held? 55 East Court St, Doylestown, PA 18901
3. How many representatives or attorneys can attend for each US Senatorial campaign? Pursuant to 25 P.S. § 3154 (g), a candidate affected by the recount and recanvass may be present, in person or by attorney, at the recount and recanvass. A party or body affected by the recount and recanvass may send two representatives to the recount and recanvass.
4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass? Representatives/attorneys must pass through building security and provide some evidence regarding whom they are there to represent. When Bucks County BOE provides notice of the recount to the candidates, it will provide a form for representatives to fill out. The form will also be made available at the recount and recanvass.

### AND

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? Yes.
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? The Bucks County Board of Elections has always date-stamped absentee and mail-in ballots.
  - b. If your answer to Question 1 is in the negative,

- i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
  2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? [Yes.](#)
  3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? [Yes.](#)
  4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
    - a. Missing a voter-provided date; or [168](#)
    - b. Contained an incorrect or incomplete date? [12](#)
  5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? [Yes.](#)
    - a. If your answer to this question is in the affirmative, then:
      - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
      - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? [Unofficial results were provided to the Department of State as two separate sets of numbers: \(1\) results including ballots with incorrect/incomplete dates, but not including undated ballots; and \(2\) results including both ballots with incorrect/incomplete and undated ballots. Ballots with incorrect/incomplete dates and undated ballots remain segregated.](#)
    - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
  6. Did You receive copies of the following guidance:
    - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020? [Yes.](#)
    - c. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022? [Yes.](#)

*Amy Fitzpatrick*  
*First Assistant County Solicitor*  
Law Department – County of Bucks  
55 E. Court St., 5<sup>th</sup> Floor  
Doylestown, PA 18901

[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)

Office: 215-348-6008 | Cell: 267-680-9505



---

**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@alleghenycounty.us' <andrew.szefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; Fitzpatrick, Amy M. <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbklaw.com' <twagner@mwbklaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbgglawoffice.com' <attorneys@sbgglawoffice.com>; 'Jerrolsulcove@blackanddavison.com' <Jerrolsulcove@blackanddavison.com>; 'dsslw@dsslwlaw.com' <dsslw@dsslwlaw.com>; 'pmcmanamon@penn.com' <pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com' <cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>; 'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>; 'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>; 'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us' <tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>; 'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org' <Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>; 'thecclarkefirm@yahoo.com' <thecclarkefirm@yahoo.com>; 'wjmpc1@gmail.com' <wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com' <john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>; 'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com' <info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>;

'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>;  
'cweed@kfblawoffice.com' <cweed@kfblawoffice.com>; 'tom@410ross.com' <tom@410ross.com>;  
'clawoff@hotmail.com' <clawoff@hotmail.com>; 'mpbarbera@barberalaw.com'  
<mpbarbera@barberalaw.com>; 'krllaw@epix.net' <krllaw@epix.net>; 'cgabriel@cfwwg.com'  
<cgabriel@cfwwg.com>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>;  
'rwinkler@zoominternet.net' <rwinkler@zoominternet.net>; 'contact@theschmidtlawfirm.com'  
<contact@theschmidtlawfirm.com>; 'jppgrimm@vorys.com' <jppgrimm@vorys.com>;  
'wkay@waynecountypa.gov' <wkay@waynecountypa.gov>; 'solicitor@co.westmoreland.pa.us'  
<solicitor@co.westmoreland.pa.us>; 'krllaw@epix.net' <krllaw@epix.net>; 'plitwin@epix.net'  
<plitwin@epix.net>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov'  
<mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>;  
'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'aszefi@alleghenycounty.us'  
<aszefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>;  
'nkarn@blairco.org' <nkarn@blairco.org>; Fitzpatrick, Amy M. <amfitzpatrick@buckscounty.org>;  
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'cfrens@chesco.org' <cfrens@chesco.org>; 'NMCentrella@duanemorris.com'  
<NMCentrella@duanemorris.com>; 'JMParks@duanemorris.com' <JMParks@duanemorris.com>;  
'maronchick@hangle.com' <maronchick@hangle.com>; 'Rsantee@northamptoncounty.org'  
<Rsantee@northamptoncounty.org>; 'Mvargo@northamptoncounty.org'  
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**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>;  
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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Some people who received this message don't often get email from [rhicks@porterwright.com](mailto:rhicks@porterwright.com). [Learn why this is important](#)

**\*EXTERNAL\***

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery

deadline?

2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio / RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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**From:** [White, William](#)  
**To:** [Hicks, Ronald L., Jr.](#)  
**Subject:** #EXT# Re: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 12:10:17 PM

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**#External Email#**

Attorney Hicks -

I am out of the office but believe that I can provide Butler County's reply:

1. Yes. 1(a). Years ago. Prior to Act 77
2. Yes
3. Yes
4. (a). 83 with no date (b). 0
5. No 5(b). No
6. (a). Yes. (b). Yes

H. William White, III  
Butler County Solicitor.

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**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>  
**Sent:** Wednesday, May 25, 2022 7:29:35 PM  
**To:** 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@alleghenycounty.us' <andrew.szefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; White, William <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbklaw.com' <twagner@mwbklaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>; 'Jerrolsulcove@blackanddavisson.com' <Jerrolsulcove@blackanddavisson.com>; 'dsslw@dsslwlawyers.com' <dsslw@dsslwlawyers.com>; 'pmcmanamon@penn.com'



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**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>; 'Gore, John M.' <jmgore@jonesday.com>; 'Kathleen Gallagher' <kag@glawfirm.com>; 'Russell Giancola' <rdg@glawfirm.com>; 'tking@dmkcq.com' <tking@dmkcq.com>; 'tbreth@dmkcq.com' <tbreth@dmkcq.com>; 'msowardsnewton@jonesday.com' <msowardsnewton@jonesday.com>; 'scrosland@jonesday.com' <scrosland@jonesday.com>; 'jmasterman@cooperkirk.com' <jmasterman@cooperkirk.com>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth

Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:

- a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
- b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**Cc:** [Annette Campbell](mailto:Annette.Campbell); [Hicks, Ronald L., Jr.](mailto:Hicks.Ronald.L.Jr.); [mlupro](mailto:mlupro)  
**Subject:** #EXT# Fwd: FW: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 9:18:38 PM  
**Attachments:** [image001.png](#)

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Attorney Hicks:

Please see Cameron County Election Board's responses to your inquiry.

Misty K. Lupro

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Assistant Clerk/Registrar

Commissioner's Office

Elections/Voter Registration

Coroner's Office

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Emporium, PA 15834

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**“The road to success is always under construction”** Lily Tomlin

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**Sent:** Thursday, May 26, 2022 3:18 PM

**To:** Misty Lupro <[mlupro@cameroncountypa.com](mailto:mlupro@cameroncountypa.com)>

**Subject:** Fwd: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

----- Forwarded message -----

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Date:** Wed, May 25, 2022 at 19:29

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**To:** [tgates@pa.gov](mailto:tgates@pa.gov) <[tgates@pa.gov](mailto:tgates@pa.gov)>, [mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov) <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>, [jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov) <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>, [kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov) <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>, [mmudd@adamscounty.us](mailto:mmudd@adamscounty.us) <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>, [andrew.szefi@allegHENYcounty.us](mailto:andrew.szefi@allegHENYcounty.us) <[andrew.szefi@allegHENYcounty.us](mailto:andrew.szefi@allegHENYcounty.us)>, [aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com) <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>, [gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov) <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>, [nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov) <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>, [dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net) <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>, [csadler@countyofberks.com](mailto:csadler@countyofberks.com) <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>, [cschnee@countyofberks.com](mailto:cschnee@countyofberks.com) <[cschnee@countyofberks.com](mailto:cschnee@countyofberks.com)>, [nkarn@blairco.org](mailto:nkarn@blairco.org) <[nkarn@blairco.org](mailto:nkarn@blairco.org)>, [Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com) <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>, [amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org) <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>, [WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us) <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>, [wgarbin@atlanticbb.net](mailto:wgarbin@atlanticbb.net) <[wgarbin@atlanticbb.net](mailto:wgarbin@atlanticbb.net)>, [ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com) <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>, [dam@gmlawoffices.com](mailto:dam@gmlawoffices.com) <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>, [bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com) <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>,

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Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the

Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?

YES

a. If your answer to Question 1 is in the affirmative, when did you first institute this process?

AS LONG AS THE UNDERSIGNED HAS SERVED ON THE ELECTION BOARD (15 YEARS)

b. If your answer to Question 1 is in the negative,

i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?

ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?

2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?

NO

3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?

4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:

a. Missing a voter-provided date; or

b. Contained an incorrect or incomplete date?



5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?

a. If your answer to this question is in the affirmative, then:

i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or

ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?

b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?

6. Did You receive copies of the following guidance:

a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and

CANNOT BE LOCATED.

b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

NO

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

Bio / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**From:** Dupuis, Betsy  
**To:** Hicks, Ronald L., Jr.; "acrouse@adamscounty.us"; "david.voye@alleghenycounty.us"; "mbkuznik@co.armstrong.pa.us"; "csisk@beavercountypa.gov"; "dbrown@bedfordcountypa.org"; "elections@countyofberks.com"; "sseymour@blairco.org"; "smithkorsr@bradfordco.org"; "elections@buckscounty.org"; "APRICE@CO.BUTLER.PA.US"; "mdillon@co.cambria.pa.us"; "mlupro@cameroncountypa.com"; "lisadart@carboncounty.net"; "elections@centrecountypa.gov"; "ccelectionofficials@chesco.org"; "ccallihan@co.clarion.pa.us"; "elections@clearfieldco.org"; "mboileau@clintoncountypa.gov"; "mrepasky@columbiapa.org"; "jmcfarland@co.crawford.pa.us"; "bureauofelections@ccpa.net"; "jfeaser@dauphinc.org"; "DelcoElection@co.delaware.pa.us"; "kfrey@countyofelkpa.com"; "tfernandez@eriecountypa.gov"; "mbkuznik@fayettepa.org"; "jahitchcock@co.forest.pa.us"; "jcbymers@franklincountypa.gov"; "electionsdirector@co.fulton.pa.us"; "elections@co.greene.pa.us"; "tthompson@huntingdoncounty.net"; "rmaryai@indianacountypa.gov"; "klupone@jeffersoncountypa.com"; "eweyrich@juniataco.org"; "HopkinsE@lackawannacounty.org"; "cmiller@co.lancaster.pa.us"; "lcvote@co.lawrence.pa.us"; "manderson@lebcnty.org"; "electionboard@lehighcounty.org"; "elections@luzernecounty.org"; "flehman@lyco.org"; "Impratt@mckeancountypa.org"; "thall@mcc.co.mercer.pa.us"; "VoterRegistration@MifflinCO.org"; "smay-silfee@monroecountypa.gov"; "voters@montcopa.org"; "hbrandon@montourco.org"; "election@northamptoncounty.org"; "nathan.savidge@norrycopa.net"; "bdelancey@perryco.org"; "Lisa.Deeley@phila.gov"; "nmanzoni@pikepa.org"; "slewis@pottercountypa.net"; "agricoski@co.schuylkill.pa.us"; "cshaffer@snydercounty.org"; "voter@co.somerset.pa.us"; "elections@sullivancountypa.gov"; "vrs@susqco.com"; "pwhipple@tiogacountypa.us"; "gkatherman@unionco.org"; "sbacker@co.venango.pa.us"; "kransom@warrencountypa.gov"; "washcoelections@co.washington.pa.us"; "CFurman@waynecountypa.gov"; "election@co.westmoreland.pa.us"; "fkelleth@wycopa.org"; "SFUlrich@YorkCountyPA.gov"; "mmudd@adamscounty.us"; "andrew.szefi@alleghenycounty.us"; "aopsitnick@opsitnickslaw.com"; "gfeedeles@beavercountypa.gov"; "nmorgan@beavercountypa.gov"; "dcrabtree.kclaw@comcast.net"; "csadler@countyofberks.com"; "cscshnee@countyofberks.com"; "nkarn@blairco.org"; "Jonathan\_Jr@fosterslawfirm.com"; "amfitzpatrick@buckscounty.org"; "WWWhite@co.butler.pa.us"; "wgbarbin@atlanticbb.net"; "ewtompkinslaw@gmail.com"; "dam@gmlawoffices.com"; "nforzato@chesco.org"; "cgabriel@cfwwg.com"; "Info@VariLaw.com"; "lec@crwlaw.net"; "ajm@mmkllp.com"; "kbutton@shaferlaw.com"; "solicitor@ccpa.net"; "jcurcillo@dauphincounty.gov"; "martinw@co.delaware.pa.us"; "twagner@mwbklaw.com"; "jackpurcell146@gmail.com"; "attorneys@sbglawoffice.com"; "Jerroldsulcove@blackanddavisson.com"; "dsslslaw@dsslslawyers.com"; "pmcmanamon@penn.com"; "mtb@bwlaw120.com"; "cjj@zwick-law.com"; "dzagurskie@juniataco.org"; "RuggieroF@lackawannacounty.org"; "Fredericksond@lackawannacounty.org"; "jepfursich@co.lancaster.pa.us"; "tleslie@co.lawrence.pa.us"; "warner@buzgondavis.com"; "dmbesq@ptd.net"; "Romilda.Crocamo@luzernecounty.org"; "dsmith@mcclaw.com"; "theclarkefirm@yahoo.com"; "wjmpc1@gmail.com"; "ssnook@bmzlaw.com"; "john@matergiadunn.com"; "jstein1@montcopa.org"; "pnewcome@montcopa.org"; "info@mmdplaw.com"; "mrudas@northamptoncounty.org"; "fwgarrigan@gmail.com"; "wrb@pa.net"; "cweed@kfblawoffice.com"; "tom@410ross.com"; "clawoff@hotmail.com"; "mpbarbera@barberlaw.com"; "krllaw@epix.net"; "cgabriel@cfwwg.com"; "jdewald@mpvhlaw.com"; "rwinkler@zoominternet.net"; "contact@theschmidtlawfirm.com"; "jpg Grimm@vorys.com"; "wkay@waynecountypa.gov"; "solicitor@co.westmoreland.pa.us"; "krllaw@epix.net"; "plitwin@epix.net"  
**Cc:** "Jonathan Ewing"; "Noah Jennings"; "Jonathan Goldstein"; "Britain Henry"; "Gore, John M."; "Kathleen Gallagher"; "Russell Giancola"; Keegan, Sean; Summerson, Ashlee M.; Jewart, Anna S.  
**Subject:** RE: May 17, 2022 Primary Statutory Recount and Recanvass  
**Attachments:** image001.png

Attached (in red) are the responses for Centre County.

Please advise of any questions.

**Elizabeth (Betsy) A. Dupuis (she/her/hers)**  
Attorney at Law  
[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)



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---

**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>

**Sent:** Wednesday, May 25, 2022 5:04 PM

**To:** 'acrouse@adamscounty.us' <acrouse@adamscounty.us>; 'david.voye@alleghenycounty.us' <david.voye@alleghenycounty.us>; 'mbkuznik@co.armstrong.pa.us' <mbkuznik@co.armstrong.pa.us>; 'csisk@beavercountypa.gov' <csisk@beavercountypa.gov>; 'dbrown@bedfordcountypa.org' <dbrown@bedfordcountypa.org>; 'elections@countyofberks.com' <elections@countyofberks.com>; 'sseymour@blairco.org' <sseymour@blairco.org>; 'smithkorsr@bradfordco.org' <smithkorsr@bradfordco.org>; 'elections@buckscounty.org' <elections@buckscounty.org>; 'APRICE@CO.BUTLER.PA.US' <APRICE@CO.BUTLER.PA.US>; 'mdillon@co.cambria.pa.us' <mdillon@co.cambria.pa.us>; 'mlupro@cameroncountypa.com' <mlupro@cameroncountypa.com>; 'lisadart@carboncounty.net' <lisadart@carboncounty.net>; 'elections@centrecountypa.gov' <elections@centrecountypa.gov>; 'ccelectionofficials@chesco.org' <ccelectionofficials@chesco.org>; 'ccallihan@co.clarion.pa.us' <ccallihan@co.clarion.pa.us>; 'elections@clearfieldco.org' <elections@clearfieldco.org>; 'mboileau@clintoncountypa.gov' <mboileau@clintoncountypa.gov>; 'mrepasky@columbiapa.org' <mrepasky@columbiapa.org>; 'jmcfarland@co.crawford.pa.us' <jmcfarland@co.crawford.pa.us>; 'bureauofelections@ccpa.net' <bureauofelections@ccpa.net>; 'jfeaser@dauphinc.org' <jfeaser@dauphinc.org>; 'DelcoElection@co.delaware.pa.us' <DelcoElection@co.delaware.pa.us>; 'kfrey@countyofelkpa.com' <kfrey@countyofelkpa.com>; 'tfernandez@eriecountypa.gov' <tfernandez@eriecountypa.gov>; 'mbkuznik@fayettepa.org' <mbkuznik@fayettepa.org>; 'jahitchcock@co.forest.pa.us' <jahitchcock@co.forest.pa.us>; 'jcbyers@franklincountypa.gov' <jcbyers@franklincountypa.gov>; 'electionsdirector@co.fulton.pa.us' <electionsdirector@co.fulton.pa.us>; 'elections@co.greene.pa.us' <elections@co.greene.pa.us>; 'tthompson@huntingdoncounty.net' <tthompson@huntingdoncounty.net>; 'rmaryai@indianacountypa.gov' <rmaryai@indianacountypa.gov>; 'klupone@jeffersoncountypa.com' <klupone@jeffersoncountypa.com>; 'eweyrich@juniataco.org' <eweyrich@juniataco.org>; 'HopkinsE@lackawannacounty.org' <HopkinsE@lackawannacounty.org>; 'cmiller@co.lancaster.pa.us' <cmiller@co.lancaster.pa.us>; 'lcvote@co.lawrence.pa.us' <lcvote@co.lawrence.pa.us>; 'manderson@lebcnty.org' <manderson@lebcnty.org>; 'electionboard@lehighcounty.org' <electionboard@lehighcounty.org>; 'elections@luzernecounty.org' <elections@luzernecounty.org>; 'flehman@lyco.org' <flehman@lyco.org>; 'lmpratt@mckeancountypa.org' <lmpratt@mckeancountypa.org>; 'thall@mcc.co.mercer.pa.us' <thall@mcc.co.mercer.pa.us>; 'VoterRegistration@MifflinCO.org' <VoterRegistration@MifflinCO.org>; 'smay-silfee@monroecountypa.gov' <smay-silfee@monroecountypa.gov>; 'voters@montcopa.org' <voters@montcopa.org>; 'hbrandon@montourco.org' <hbrandon@montourco.org>; 'election@northamptoncounty.org' <election@northamptoncounty.org>; 'nathan.savidge@norrycopa.net' <nathan.savidge@norrycopa.net>; 'bdelancey@perryco.org' <bdelancey@perryco.org>; 'Lisa.Deeley@phila.gov' <Lisa.Deeley@phila.gov>; 'nmanzoni@pikepa.org' <nmanzoni@pikepa.org>; 'slewis@pottercountypa.net' <slewis@pottercountypa.net>; 'agricoski@co.schuylkill.pa.us' <agricoski@co.schuylkill.pa.us>; 'cshaffer@snydercounty.org' <cshaffer@snydercounty.org>;

'voter@co.somerset.pa.us' <voter@co.somerset.pa.us>; 'elections@sullivancountypa.gov' <elections@sullivancountypa.gov>; 'vrs@susqco.com' <vrs@susqco.com>;  
'pwhipple@tiogacountypa.us' <pwhipple@tiogacountypa.us>; 'gkatherman@unionco.org' <gkatherman@unionco.org>; 'sbacker@co.venango.pa.us' <sbacker@co.venango.pa.us>;  
'kransom@warrencountypa.gov' <kransom@warrencountypa.gov>;  
'washcoelections@co.washington.pa.us' <washcoelections@co.washington.pa.us>;  
'CFurman@waynecountypa.gov' <CFurman@waynecountypa.gov>;  
'election@co.westmoreland.pa.us' <election@co.westmoreland.pa.us>; 'fkellert@wycopa.org' <fkellert@wycopa.org>; 'SFUlrich@YorkCountyPA.gov' <SFUlrich@YorkCountyPA.gov>;  
'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@alleghenycounty.us' <andrew.szefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; Dupuis, Betsy <BDupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbkllaw.com' <twagner@mwbkllaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>; 'Jerroldsulcove@blackanddavis.com' <Jerroldsulcove@blackanddavis.com>; 'dsslw@dsslwlaw.com' <dsslw@dsslwlaw.com>; 'pmcmanamon@penn.com' <pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com' <cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>; 'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>; 'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>; 'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us' <tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>; 'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org' <Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>; 'theclarkefirm@yahoo.com' <theclarkefirm@yahoo.com>; 'wjmpc1@gmail.com' <wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com' <john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>; 'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com' <info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>; 'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>; 'cweed@kfblawoffice.com' <cweed@kfblawoffice.com>; 'tom@410ross.com' <tom@410ross.com>;

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**Cc:** 'Jonathan Ewing' <jonathan@davemccormickpa.com>; 'Noah Jennings' <njennings@axiomstrategies.com>; 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>; 'Gore, John M.' <jmgore@jonesday.com>; 'Kathleen Gallagher' <kag@glawfirm.com>; 'Russell Giancola' <rdg@glawfirm.com>

**Subject:** May 17, 2022 Primary Statutory Recount and Recanvass

**Importance:** High

ATTENTION: Email sent from outside Babst Calland.

Dear Sir and Madam,

As counsel for Dave McCormick for U.S. Senate and its candidate, David H. McCormick, I am writing to request the following information from each of your County Boards of Elections:

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth? **June 1<sup>st</sup> and June 2<sup>nd</sup> if needed.**
2. What is the full street address where the recount and recanvass will be held? **Willowbank Building, 420 Holmes Street, Bellefonte, PA, 16823**
3. How many representatives or attorneys can attend for each US Senatorial campaign? **2 watchers and 1 attorney. However, we will be conducting counting in 2 locations within the Willowbank Building so we will accommodate these numbers in each location.**
4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass? **A letter from the candidate with the names of the representatives will be acceptable.**

Your prompt response by reply email is much appreciated. I've included Mr. Oz's counsel on this message.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

Bio / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

6 PPG Place, Third Floor / Pittsburgh, PA 15222

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**END OF NOTICE**

**From:** Dupuis, Betsy  
**To:** Russell Giancola; Hicks, Ronald L., Jr.; "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "kromano@attorneygeneral.gov"; "mmudd@adamscounty.us"; "andrew.szefi@alleghenycounty.us"; "aopsitnick@opsitnickslaw.com"; "gfedeles@beavercountypa.gov"; "nmorgan@beavercountypa.gov"; "dcrabtree.kclaw@comcast.net"; "csadler@countyofberks.com"; "cscshnee@countyofberks.com"; "nkarn@blairco.org"; "Jonathan.Jr@fosterslawfirm.com"; "amfitzpatrick@buckscounty.org"; "VWhite@co.butler.pa.us"; "wgbarbin@atlanticbb.net"; "ewtompkinslaw@gmail.com"; "dam@gmlawoffices.com"; "nforzato@chesco.org"; "cgabriel@cfwwg.com"; "Info@Varilaw.com"; "lec@crwlaw.net"; "ajm@mmkllp.com"; "kbutton@shaferlaw.com"; "solicitor@ccpa.net"; "jcurcillo@dauphincounty.gov"; "martinw@co.delaware.pa.us"; "twagner@mwbklaw.com"; "jackpurcell146@gmail.com"; "attorneys@sbglawoffice.com"; "Jerroldsulcove@blackanddavisson.com"; "dsslslaw@dsslslawyers.com"; "pmcmanamon@penn.com"; "mtb@bwlaw120.com"; "cjz@zwick-law.com"; "dzagurskie@juniataco.org"; "RuggieroF@lackawannacounty.org"; "Fredericksond@lackawannacounty.org"; "jepfursich@co.lancaster.pa.us"; "tleslie@co.lawrence.pa.us"; "warner@buzgondavis.com"; "dmbesq@ptd.net"; "Romilda.Crocamo@luzernecounty.org"; "dsmith@mcclaw.com"; "theclarkefirm@yahoo.com"; "wjmpc1@gmail.com"; "ssnook@bmzlaw.com"; "john@matergiadunn.com"; "jstein1@montcopa.org"; "pnewcome@montcopa.org"; "info@mmdplaw.com"; "mrudas@northamptoncounty.org"; "fwgarrigan@gmail.com"; "wrb@pa.net"; "cweed@kfblawoffice.com"; "tom@410ross.com"; "clawoff@hotmail.com"; "mpbarbera@barberalaw.com"; "krllaw@epix.net"; "cgabriel@cfwwg.com"; "jdewald@mpvhlaw.com"; "rwinkler@zoominternet.net"; "contact@theschmidtlawfirm.com"; "jpgrimm@vorys.com"; "wkay@waynecountypa.gov"; "solicitor@co.westmoreland.pa.us"; "krllaw@epix.net"; "plitwin@epix.net"; "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "mmudd@adamscounty.us"; "aszefi@alleghenycounty.us"; "aopsitnick@opsitnickslaw.com"; "nkarn@blairco.org"; "amfitzpatrick@buckscounty.org"; "ddgrieser@buckscounty.org"; "nforzato@chesco.org"; "cfrens@chesco.org"; "NMCentrella@duanemorris.com"; "JMParks@duanemorris.com"; "maronchick@hangle.com"; "Rsantee@northamptoncounty.org"; "Mvargo@northamptoncounty.org"; "jdewald@mpvhlaw.com"  
**Cc:** "Jonathan Goldstein"; "Britain Henry"; "Gore, John M."; Kathleen Gallagher; "tking@dmkcg.com"; "tbreth@dmkcg.com"; "msowardsnewton@jonesday.com"; "scrosland@jonesday.com"; "jmasterman@cooperkirk.com"; Summerson, Ashlee M.; Jewart, Anna S.; Keegan, Sean  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Friday, May 27, 2022 9:13:08 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

## # External Email #

Good morning -

Centre County's responses are in red below.

Thank you.

<b>Elizabeth (Betsy) A. Dupuis (she/her/hers)</b> Attorney at Law <a href="mailto:bdupuis@babstcalland.com">bdupuis@babstcalland.com</a>	
	330 Innovation Blvd., Suite 302 State College, PA 16803 O 814.867.8055 D 814.235.8421 C 814.883.4117 F 814.867.8051 <a href="http://www.babstcalland.com">www.babstcalland.com</a>

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**From:** Russell Giancola <rdg@glawfirm.com>

**Sent:** Thursday, May 26, 2022 2:23 PM

**To:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@alleghenycounty.us' <andrew.szefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>



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<dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>;  
'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org'  
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<dam@gmlawoffices.com>; Dupuis, Betsy <BDupuis@babstcalland.com>; 'nforzato@chesco.org'  
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<twagner@mwbkllaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>;  
'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>;  
'Jerrolsulcove@blackanddavis.com' <Jerrolsulcove@blackanddavis.com>;  
'dsslw@dsslwlaw.com' <dsslw@dsslwlaw.com>; 'pmcmanamon@penn.com'  
<pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com'  
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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

ATTENTION: Email sent from outside Babst Calland.

Solicitors and counsel:

I write on behalf of Doctor Oz for Senate and Dr. Mehmet Oz. As a supplement to the questions asked by Mr. Hicks, and for use in the stipulations to be filed with the Commonwealth Court, we request that you also answer the following in connection with Question 5(a) below (the underlined portion constitutes additional questions added to Mr. Hicks's original inquiry):

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **Yes**
  - a. If your answer to this questions [sic] is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **No**
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **Yes**
    - iii. How many such ballots were for the Republican primary election? **19**
    - iv. How many such ballots included a vote for Mehmet Oz for United States Senate? **4**
    - v. How many such ballots included a vote for Dave McCormick for United States Senate? **0**

Please let us know if you have any questions. We appreciate your prompt responses.

Best regards,

**Russell D. Giancola**

Gallagher Giancola LLC

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

To: 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@allegHENYcounty.us' <[andrew.szefi@allegHENYcounty.us](mailto:andrew.szefi@allegHENYcounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 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'wjmpc1@gmail.com' <[wjmpc1@gmail.com](mailto:wjmpc1@gmail.com)>; 'ssnook@bmzlaw.com' <[ssnook@bmzlaw.com](mailto:ssnook@bmzlaw.com)>; 'john@matergiadunn.com' <[john@matergiadunn.com](mailto:john@matergiadunn.com)>; 'jstein1@montcopa.org' <[jstein1@montcopa.org](mailto:jstein1@montcopa.org)>; 'pnewcome@montcopa.org' <[pnewcome@montcopa.org](mailto:pnewcome@montcopa.org)>; 'info@mmdplaw.com' <[info@mmdplaw.com](mailto:info@mmdplaw.com)>; 'mrudas@northamptoncounty.org' <[mrudas@northamptoncounty.org](mailto:mrudas@northamptoncounty.org)>; 'fwgarrigan@gmail.com' <[fwgarrigan@gmail.com](mailto:fwgarrigan@gmail.com)>; 'wrb@pa.net' <[wrb@pa.net](mailto:wrb@pa.net)>; 'cweed@kfblawoffice.com' <[cweed@kfblawoffice.com](mailto:cweed@kfblawoffice.com)>; 'tom@410ross.com' <[tom@410ross.com](mailto:tom@410ross.com)>; 'clawoff@hotmail.com' <[clawoff@hotmail.com](mailto:clawoff@hotmail.com)>; 'mpbarbera@barberalaw.com' <[mpbarbera@barberalaw.com](mailto:mpbarbera@barberalaw.com)>; 'krllaw@epix.net' <[krllaw@epix.net](mailto:krllaw@epix.net)>; 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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **Procedure since early 2000s.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Yes**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **58**

- b. Contained an incorrect or incomplete date? **4**
- 5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **Yes**
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **No**
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **Yes**
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
- 6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **Yes**
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **Yes**

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio / RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**End of notice**

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**From:** Frens, Colleen M. <[cfrens@chesco.org](mailto:cfrens@chesco.org)>

**Sent:** Thursday, May 26, 2022 5:09 PM

**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Cc:** Forzato, Nicole R. <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>; 'Gore, John M.' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>; 'Kathleen Gallagher' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; 'Russell Giancola' <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>; 'tking@dmkcq.com' <[tking@dmkcq.com](mailto:tking@dmkcq.com)>; 'tbreth@dmkcq.com' <[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>; 'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; Joseph Masterman <[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>; [DAVE@DAVEMCCORMICKPA.COM](mailto:DAVE@DAVEMCCORMICKPA.COM); [CODY@DOCTOROZFORSENATE.COM](mailto:CODY@DOCTOROZFORSENATE.COM); [jonathan@davemccormickpa.com](mailto:jonathan@davemccormickpa.com); [njennings@axiomstrategies.com](mailto:njennings@axiomstrategies.com); [jamesfitzpat@gmail.com](mailto:jamesfitzpat@gmail.com); [joel@benlathlaw.com](mailto:joel@benlathlaw.com); [ccn@omnislawgroup.com](mailto:ccn@omnislawgroup.com)

**Subject:** RE: #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

All:

Here is the response of Chester County to the questions posed by both sets of counsel:

**To the counsel for the Oz campaign's questions:**

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?

a. If your answer to this questions [sic] is in the affirmative, then:

- i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; **No**
- ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **Yes**
- 
- iii. How many such ballots were for the Republican primary election? **23 Undated & wrong date ballots.**
- 
- iv. How many such ballots included a vote for Mehmet Oz for United States Senate? **6 Undated ballots.**
- 
- v. How many such ballots included a vote for Dave McCormick for United States Senate? **8 Undated ballots.**

**In response to the McCormick campaign's questions:**

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth? **We have not yet received an order from the Secretary of State. The anticipated recount will begin on June 1, 2022.**
2. What is the full street address where the recount and recanvass will be held? **313 W. Market Street, 5<sup>th</sup> Floor, West Chester, PA 19380**
3. How many representatives or attorneys can attend for each US Senatorial campaign? **Pursuant to 25 P.S. § 3154 (g), a candidate affected by the recount and recanvass may be present, in person or by attorney, at the recount and recanvass. A party or political body affected by the recount and recanvass may send two representatives to the recount and recanvass.**
4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass? **Representatives/attorneys must pass through building security and once they arrive in the room where the recount will occur, individuals will have to sign in and provide some evidence regarding who they are there to represent.**

**AND**

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes. With the exception of 48 ballots that were received on May 16<sup>th</sup> by the Department of Voter Services but were subject to the Department conducting an investigation regarding an allegation that a drop box was tampered with. The ballots were segregated and set aside with the Departmental staff but they were not time stamped. Once the investigation confirmed that no tampering occurred, those ballots were processed and tabulated.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **The Chester County BOE has always date stamped absentee and mail-in ballots.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or

- mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes.**
  3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Yes.**
  4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
    - a. Missing a voter-provided date; or **78**
    - b. Contained an incorrect or incomplete date? **5**
  5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **Yes.**
    - a. If your answer to this question is in the affirmative, then:
      - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; **No**
      - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **Yes.**  
**Unofficial results were provided to the Department of State as two separate sets of numbers: (1) results including ballots with incorrect/incomplete dates, but not including undated ballots; and (2) results including both ballots with incorrect/incomplete and undated ballots. Ballots with incorrect/incomplete dates and undated ballots remain segregated.**
    - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
  6. Did You receive copies of the following guidance:
    - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020? **Yes.**
    - c. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022? **Yes.**

Colleen Frens  
*She, her, hers*  
 Assistant Solicitor  
 County of Chester Solicitor’s Office



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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Thursday, May 26, 2022 11:18 AM

**To:** Frens, Colleen M. <[cfrens@chesco.org](mailto:cfrens@chesco.org)>

**Cc:** Forzato, Nicole R. <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>; 'Gore, John M.' <[jimgore@jonesday.com](mailto:jimgore@jonesday.com)>; 'Kathleen Gallagher' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; 'Russell Giancola' <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>; 'tking@dmkcq.com' <[tking@dmkcq.com](mailto:tking@dmkcq.com)>; 'tbreth@dmkcq.com' <[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>; 'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; 'jmasterman@cooperkirk.com' <[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>; [DAVE@DAVEMCCORMICKPA.COM](mailto:DAVE@DAVEMCCORMICKPA.COM); [CODY@DOCTOROZFORSENATE.COM](mailto:CODY@DOCTOROZFORSENATE.COM); [jonathan@davemccormickpa.com](mailto:jonathan@davemccormickpa.com); [njennings@axiomstrategies.com](mailto:njennings@axiomstrategies.com); [jamesfitzpat@gmail.com](mailto:jamesfitzpat@gmail.com); [joel@benlathlaw.com](mailto:joel@benlathlaw.com); [ccn@omnislawgroup.com](mailto:ccn@omnislawgroup.com)

**Subject:** [EXTERNAL] - RE: #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**EXTERNAL: Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Ms. Frens,

We are seeking the information in order to prepare the joint fact stipulation in compliance with Paragraph 7 of the Commonwealth Court's May 25, 2022 Order.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP  
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**From:** Frens, Colleen M. <[cfrens@chesco.org](mailto:cfrens@chesco.org)>

**Sent:** Thursday, May 26, 2022 10:16 AM

**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Cc:** Forzato, Nicole R. <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>; 'Gore, John M.' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>; 'Kathleen Gallagher' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; 'Russell Giancola' <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>; 'tking@dmkcq.com' <[tking@dmkcq.com](mailto:tking@dmkcq.com)>; 'tbreth@dmkcq.com' <[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>; 'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; 'jmasterman@cooperkirk.com' <[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>; [DAVE@DAVEMCCORMICKPA.COM](mailto:DAVE@DAVEMCCORMICKPA.COM); [CODY@DOCTOROZFORSENATE.COM](mailto:CODY@DOCTOROZFORSENATE.COM); [jonathan@davemccormickpa.com](mailto:jonathan@davemccormickpa.com); [njennings@axiomstrategies.com](mailto:njennings@axiomstrategies.com); [jamesfitzpat@gmail.com](mailto:jamesfitzpat@gmail.com); [joel@benlathlaw.com](mailto:joel@benlathlaw.com); [ccn@omnislawgroup.com](mailto:ccn@omnislawgroup.com)

**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**#External Email#**

Mr. Hicks,

Are you seeking this information in preparation of filing a joint stipulation of facts in compliance with Paragraph 7 of Commonwealth Court's May 25, 2025 Order, or are you seeking this information as informal discovery? Your response will inform Chester County's response.

NB: It is the County's intent to send this email to all attorneys or representatives for the McCormick campaign, the Oz campaign, and the Republican Party of PA. If anyone is omitted, it is either a clerical error or lack of knowledge of another contact.

Sincerely,  
Colleen Frens

Colleen Frens  
*She, her, hers*  
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---

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@alleghenycounty.us' <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cshnee@countyofberks.com' <[cshnee@countyofberks.com](mailto:cshnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; Forzato, Nicole R. <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>; 'martinw@co.delaware.pa.us' <[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)>; 'twagner@mwbkllaw.com' <[twagner@mwbkllaw.com](mailto:twagner@mwbkllaw.com)>; 'jackpurcell146@gmail.com' <[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com)>; 'attorneys@sbglawoffice.com' <[attorneys@sbglawoffice.com](mailto:attorneys@sbglawoffice.com)>; 'Jerrolsulcove@blackanddavis.com' <[Jerrolsulcove@blackanddavis.com](mailto:Jerrolsulcove@blackanddavis.com)>; 'dsslw@dsslwlaw.com' <[dsslw@dsslwlaw.com](mailto:dsslw@dsslwlaw.com)>; 'pmcmanamon@penn.com' <[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com)>; 'mtb@bwlaw120.com' <[mtb@bwlaw120.com](mailto:mtb@bwlaw120.com)>; 'cjz@zwick-law.com' <[cjz@zwick-law.com](mailto:cjz@zwick-law.com)>; 'dzagurskie@juniataco.org' <[dzagurskie@juniataco.org](mailto:dzagurskie@juniataco.org)>; 'RuggieroF@lackawannacounty.org' <[RuggieroF@lackawannacounty.org](mailto:RuggieroF@lackawannacounty.org)>; 'Fredericksond@lackawannacounty.org' <[Fredericksond@lackawannacounty.org](mailto:Fredericksond@lackawannacounty.org)>; 'jepfursich@co.lancaster.pa.us' <[jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us)>; 'tleslie@co.lawrence.pa.us' <[tleslie@co.lawrence.pa.us](mailto:tleslie@co.lawrence.pa.us)>; 'warner@buzgondavis.com' <[warner@buzgondavis.com](mailto:warner@buzgondavis.com)>; 'dmbesq@ptd.net' <[dmbesq@ptd.net](mailto:dmbesq@ptd.net)>; 'Romilda.Crocamo@luzernecounty.org' <[Romilda.Crocamo@luzernecounty.org](mailto:Romilda.Crocamo@luzernecounty.org)>; 'dsmith@mcclaw.com' <[dsmith@mcclaw.com](mailto:dsmith@mcclaw.com)>; 'theclarkefirm@yahoo.com' <[theclarkefirm@yahoo.com](mailto:theclarkefirm@yahoo.com)>; 'wjmpc1@gmail.com'

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**Cc:** 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>; 'Gore, John M.' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>; 'Kathleen Gallagher' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; 'Russell Giancola' <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>; 'tking@dmkcq.com' <[tking@dmkcq.com](mailto:tking@dmkcq.com)>; 'tbreth@dmkcq.com' <[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>; 'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; 'jmasterman@cooperkirk.com' <[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** [EXTERNAL] - McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

**EXTERNAL:** Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?

- a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
- b. If your answer to Question 1 is in the negative,
  - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
  - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

Bio / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

6 PPG Place, Third Floor / Pittsburgh, PA 15222

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**From:** Chris Gabriel <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>  
**Sent:** Friday, May 27, 2022 6:53 AM  
**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Cc:** Stephanie Fera <[sfera@cfwwg.com](mailto:sfera@cfwwg.com)>; Chris Furman <[cfurman@cfwwg.com](mailto:cfurman@cfwwg.com)>  
**Subject:** #EXT# TIOGA and CLARION County Answers to Questions

**#External Email#**

TIOGA COUNTY

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **When Absentee or Mail-In Ballots are received into the Elections Office it has always been policy to date stamp ballots as received.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **YES**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **YES**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery

deadline that were:

- a. Missing a voter-provided date; or **ONE**
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **YES**
- a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **YES**
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **YES**
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **YES**

## CLARION COUNTY

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **When Absentee or Mail-In Ballots are received into the Elections Office it has always been policy to date stamp ballots as received.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?



- ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **NO**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **YES**

# Christopher Gabriel

Cafardi Ferguson Wyrick Weis & Gabriel

[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)

412-328-5853

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Suite 2201

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**To:** ["Russell Giancola"](#); [Hicks, Ronald L., Jr.](#); [tgates@pa.gov](#); [mfischer@attorneygeneral.gov](#); [jboyer@attorneygeneral.gov](#); [kromano@attorneygeneral.gov](#)  
**Cc:** ["Jonathan Goldstein"](#); ["Britain Henry"](#); ["Gore, John M."](#); ["Kathleen Gallagher"](#); [tking@dmkcq.com](#); [tbreth@dmkcq.com](#); [msowardsnewton@jonesday.com](#); [scrosland@jonesday.com](#); [jmasterman@cooperkirk.com](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 3:01:19 PM  
**Attachments:** [image001.png](#)

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## #External Email#

Clinton County identified no ballots in response to #2 through #4

---

**From:** Russell Giancola <rdg@glawfirm.com>

**Sent:** Thursday, May 26, 2022 2:23 PM

**To:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@alleghenycounty.us' <andrew.szefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cshnee@countyofberks.com' <cshnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbklaw.com' <twagner@mwbklaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>; 'Jerroldsulcove@blackanddavis.com' <Jerroldsulcove@blackanddavis.com>; 'dsslw@dsslw.com' <dsslw@dsslw.com>; 'pmcmanamon@penn.com' <pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com' <cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>; 'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>; 'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>; 'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us' <tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>; 'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org' <Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>; 'theclarkefirm@yahoo.com' <theclarkefirm@yahoo.com>; 'wjmpc1@gmail.com' <wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com'

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<info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>;  
'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>;  
'cweed@kfblawoffice.com' <cweed@kfblawoffice.com>; 'tom@410ross.com' <tom@410ross.com>;  
'clawoff@hotmail.com' <clawoff@hotmail.com>; 'mpbarbera@barberalaw.com'  
<mpbarbera@barberalaw.com>; 'krllaw@epix.net' <krllaw@epix.net>; 'cgabriel@cfwwg.com'  
<cgabriel@cfwwg.com>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>;  
'rwinkler@zoominternet.net' <rwinkler@zoominternet.net>; 'contact@theschmidtlawfirm.com'  
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<plitwin@epix.net>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov'  
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<amfitzpatrick@buckscounty.org>; 'ddgrieser@buckscounty.org' <ddgrieser@buckscounty.org>;  
'nforzato@chesco.org' <nforzato@chesco.org>; 'cfrens@chesco.org' <cfrens@chesco.org>;  
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<JMParks@duanemorris.com>; 'maronchick@hangle.com' <maronchick@hangle.com>;  
'Rsantee@northamptoncounty.org' <Rsantee@northamptoncounty.org>;  
'Mvargo@northamptoncounty.org' <Mvargo@northamptoncounty.org>; 'jdewald@mpvhlaw.com'  
<jdewald@mpvhlaw.com>

**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>;  
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'tking@dmkcq.com' <tking@dmkcq.com>; 'tbreth@dmkcq.com' <tbreth@dmkcq.com>;  
'msowardsnewton@jonesday.com' <msowardsnewton@jonesday.com>; 'scrosland@jonesday.com'  
<scrosland@jonesday.com>; 'jmasterman@cooperkirk.com' <jmasterman@cooperkirk.com>

**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Solicitors and counsel:

I write on behalf of Doctor Oz for Senate and Dr. Mehmet Oz. As a supplement to the questions asked by Mr. Hicks, and for use in the stipulations to be filed with the Commonwealth Court, we request that you also answer the following in connection with Question 5(a) below (the underlined portion constitutes additional questions added to Mr. Hicks's original inquiry):

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this questions [sic] is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
    - iii. How many such ballots were for the Republican primary election?
    - iv. How many such ballots included a vote for Mehmet Oz for United States Senate?
    - v. How many such ballots included a vote for Dave McCormick for United States Senate?

Please let us know if you have any questions. We appreciate your prompt responses.

Best regards,

**Russell D. Giancola**

Gallagher Giancola LLC

[rdg@glawfirm.com](mailto:rdg@glawfirm.com)

412.717.1921 (Direct)

412.717.1901 (Fax)

3100 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219



---

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@alleghenycounty.us' <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cschnee@countyofberks.com' <[cschnee@countyofberks.com](mailto:cschnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>; 'martinw@co.delaware.pa.us' <[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)>; 'twagner@mwbkllaw.com' <[twagner@mwbkllaw.com](mailto:twagner@mwbkllaw.com)>; 'jackpurcell146@gmail.com' <[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com)>; 'attorneys@sbgllawoffice.com' <[attorneys@sbgllawoffice.com](mailto:attorneys@sbgllawoffice.com)>; 'Jerrolsulcove@blackanddavis.com' <[Jerrolsulcove@blackanddavis.com](mailto:Jerrolsulcove@blackanddavis.com)>; 'dsslw@dsslwlaw.com' <[dsslw@dsslwlaw.com](mailto:dsslw@dsslwlaw.com)>; 'pmcmanamon@penn.com' <[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com)>; 'mtb@bwlaw120.com' <[mtb@bwlaw120.com](mailto:mtb@bwlaw120.com)>; 'cjz@zwick-law.com' <[cjz@zwick-law.com](mailto:cjz@zwick-law.com)>; 'dzagurskie@juniataco.org' <[dzagurskie@juniataco.org](mailto:dzagurskie@juniataco.org)>; 'RuggieroF@lackawannacounty.org' <[RuggieroF@lackawannacounty.org](mailto:RuggieroF@lackawannacounty.org)>; 'Fredericksond@lackawannacounty.org' <[Fredericksond@lackawannacounty.org](mailto:Fredericksond@lackawannacounty.org)>; 'jepfursich@co.lancaster.pa.us' <[jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us)>; 'tleslie@co.lawrence.pa.us' <[tleslie@co.lawrence.pa.us](mailto:tleslie@co.lawrence.pa.us)>; 'warner@buzgondavis.com' <[warner@buzgondavis.com](mailto:warner@buzgondavis.com)>; 'dmbesq@ptd.net' <[dmbesq@ptd.net](mailto:dmbesq@ptd.net)>; 'Romilda.Crocamo@luzernecounty.org'

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<[wjmpc1@gmail.com](mailto:wjmpc1@gmail.com)>; 'ssnook@bmzlaw.com' <[ssnook@bmzlaw.com](mailto:ssnook@bmzlaw.com)>; 'john@matergiadunn.com'  
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'pnewcome@montcopa.org' <[pnewcome@montcopa.org](mailto:pnewcome@montcopa.org)>; 'info@mmdplaw.com'  
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'fwgarrigan@gmail.com' <[fwgarrigan@gmail.com](mailto:fwgarrigan@gmail.com)>; 'wrb@pa.net' <[wrb@pa.net](mailto:wrb@pa.net)>;  
'cweed@kfblawoffice.com' <[cweed@kfblawoffice.com](mailto:cweed@kfblawoffice.com)>; 'tom@410ross.com' <[tom@410ross.com](mailto:tom@410ross.com)>;  
'clawoff@hotmail.com' <[clawoff@hotmail.com](mailto:clawoff@hotmail.com)>; 'mpbarbera@barberalaw.com'  
<[mpbarbera@barberalaw.com](mailto:mpbarbera@barberalaw.com)>; 'krllaw@epix.net' <[krllaw@epix.net](mailto:krllaw@epix.net)>; 'cgabriel@cfwwg.com'  
<[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'jdewald@mpvhlaw.com' <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>;  
'rwinkler@zoominternet.net' <[rwinkler@zoominternet.net](mailto:rwinkler@zoominternet.net)>; 'contact@theschmidtlawfirm.com'  
<[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)>; 'jpgrimm@vorys.com' <[jpgrimm@vorys.com](mailto:jpgrimm@vorys.com)>;  
'wkay@waynecountypa.gov' <[wkay@waynecountypa.gov](mailto:wkay@waynecountypa.gov)>; 'solicitor@co.westmoreland.pa.us'  
<[solicitor@co.westmoreland.pa.us](mailto:solicitor@co.westmoreland.pa.us)>; 'krllaw@epix.net' <[krllaw@epix.net](mailto:krllaw@epix.net)>; 'plitwin@epix.net'  
<[plitwin@epix.net](mailto:plitwin@epix.net)>; 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov'  
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'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'amfitzpatrick@buckscounty.org'  
<[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'ddgrieser@buckscounty.org' <[ddgrieser@buckscounty.org](mailto:ddgrieser@buckscounty.org)>;  
'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cfrens@chesco.org' <[cfrens@chesco.org](mailto:cfrens@chesco.org)>;  
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**Cc:** 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>;  
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<[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>;  
'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; 'jmasterman@cooperkirk.com'  
<[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and

- time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
- ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
  3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
  4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
    - a. Missing a voter-provided date; or
    - b. Contained an incorrect or incomplete date?
  5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
    - a. If your answer to this question is in the affirmative, then:
      - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
      - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
    - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
  6. Did You receive copies of the following guidance:
    - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
    - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio / RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**End of notice**



**From:** [Anthony J. McDonald](#)  
**To:** [Thomas Wagner](#); [Hicks, Ronald L., Jr.](#); "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "kromano@attorneygeneral.gov"; "mmudd@adamscounty.us"; "andrew.szefi@allegHENYcounty.us"; "aopsitnick@opsitnickslaw.com"; "gfedeles@beavercountypa.gov"; "nmorgan@beavercountypa.gov"; "dcrabtree.kclaw@comcast.net"; "csadler@countyofberks.com"; "cschnee@countyofberks.com"; "nkarn@blairco.org"; "Jonathan.Jr@fosterslawfirm.com"; "amfitzpatrick@buckscounty.org"; "WWhite@co.butler.pa.us"; "wgbarbin@atlanticbb.net"; "ewtompkinslaw@gmail.com"; "dam@gmlawoffices.com"; "bdupuis@babstcalland.com"; "nforzato@chesco.org"; "cgabriel@cfwwg.com"; "Info@Varilaw.com"; "lec@crwlaw.net"; "kbutton@shaferlaw.com"; "solicitor@ccpa.net"; "jcurcillo@dauphincounty.gov"; "martinw@co.delaware.pa.us"; "jackpurcell146@gmail.com"; "attorneys@sbglawoffice.com"; "Jerrolsulcove@blackanddavisson.com"; "dsslw@dsslwlaw.com"; "pmcmanamon@penn.com"; "mtb@bwlaw120.com"; "cjz@zwick-law.com"; "dzagurskie@juniataco.org"; "RuggieroF@lackawannacounty.org"; "Fredericksond@lackawannacounty.org"; "jepfursich@co.lancaster.pa.us"; "tleslie@co.lawrence.pa.us"; "warner@buzgondavis.com"; "dmbesq@ptd.net"; "Romilda.Crocamo@luzernecounty.org"; "dsmith@mcclaw.com"; "theclarkefirm@yahoo.com"; "wjmpc1@gmail.com"; "ssnook@bmzlaw.com"; "john@matergiadunn.com"; "jstein1@montcopa.org"; "pnewcome@montcopa.org"; "info@mmdplaw.com"; "mrudas@northamptoncounty.org"; "fwgarrigan@gmail.com"; "wrb@pa.net"; "cweed@kfbglawoffice.com"; "tom@410ross.com"; "clawoff@hotmail.com"; "mpbarbera@barberlaw.com"; "krllaw@epix.net"; "cgabriel@cfwwg.com"; "jdewald@mpvhlaw.com"; "rwinkler@zoominternet.net"; "contact@theschmidtlawfirm.com"; "jggrimm@vorys.com"; "wkay@waynecountypa.gov"; "solicitor@co.westmoreland.pa.us"; "krllaw@epix.net"; "plitwin@epix.net"; "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "mmudd@adamscounty.us"; "aszefi@allegHENYcounty.us"; "aopsitnick@opsitnickslaw.com"; "nkarn@blairco.org"; "amfitzpatrick@buckscounty.org"; "ddgrieser@buckscounty.org"; "nforzato@chesco.org"; "cfrens@chesco.org"; "NMCentrella@duanemorris.com"; "JMParks@duanemorris.com"; "maronchick@hangley.com"; "Rsantee@northamptoncounty.org"; "Mvargo@northamptoncounty.org"; "jdewald@mpvhlaw.com"; "Jonathan.Goldstein"; "Britain.Henry"; "Gore, John M."; "Kathleen.Gallagher"; "Russell.Giancola"; "tking@dmkcq.com"; "tbreth@dmkcq.com"; "msowardsnewton@jonesday.com"; "scrosland@jonesday.com"; "jmasterman@cooperkirk.com"  
**Cc:**  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 12:37:00 PM

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**# External Email#**

Hello:

Received by Columbia County.

Thanks you

Tony

**Anthony J. McDonald, Esquire**

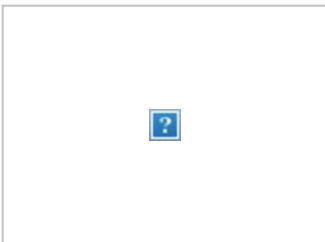
**Marinos, McDonald & Knecht, LLP**

**106 W. Front Street**

**Berwick, PA 18603**

**Telephone: 570.520.4019**

**Fax: 570.520.4084**



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**From:** Thomas Wagner <twagner@mwbklaw.com>

**Sent:** Thursday, May 26, 2022 12:12 PM

**To:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@allegHENYcounty.us' <andrew.szefi@allegHENYcounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; Anthony J. McDonald <AJM@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>; 'Jerroldsulcove@blackanddavisson.com' <Jerroldsulcove@blackanddavisson.com>; 'dsslw@dsslwlawyers.com' <dsslw@dsslwlawyers.com>; 'pmcmanamon@penn.com' <pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com' <cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>; 'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>; 'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>; 'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us' <tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>; 'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org' <Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>; 'theclarkefirm@yahoo.com' <theclarkefirm@yahoo.com>; 'wjmpc1@gmail.com' <wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com' <john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>; 'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com' <info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>; 'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>; 'cweed@kfblawoffice.com' <cweed@kfblawoffice.com>; 'tom@410ross.com' <tom@410ross.com>; 'clawoff@hotmail.com' <clawoff@hotmail.com>; 'mpbarbera@barberalaw.com' <mpbarbera@barberalaw.com>; 'krllaw@epix.net' <krllaw@epix.net>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>; 'rwinkler@zoominternet.net' <rwinkler@zoominternet.net>; 'contact@theschmidtlawfirm.com' <contact@theschmidtlawfirm.com>; 'jppgrimm@vorys.com' <jppgrimm@vorys.com>; 'wkay@waynecountypa.gov' <wkay@waynecountypa.gov>; 'solicitor@co.westmoreland.pa.us' <solicitor@co.westmoreland.pa.us>; 'krllaw@epix.net' <krllaw@epix.net>; 'plitwin@epix.net'

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<amfitzpatrick@buckscounty.org>; 'ddgrieser@buckscounty.org' <ddgrieser@buckscounty.org>;  
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'scrosland@jonesday.com' <scrosland@jonesday.com>; 'jmasterman@cooperkirk.com'  
<jmasterman@cooperkirk.com>

**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

All:

Here is the response of Elk County to the questions;

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **When Absentee or Mail-In Ballots are received into the Elk County Elections Office it has always been policy to date stamp ballots as received.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **YES**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **YES**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **17 BALLOTS**
  - b. Contained an incorrect or incomplete date? **0 BALLOTS**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **YES**
  - a. If your answer to this question is in the affirmative, then:

- i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **NO**
- ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **YES**
- b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
- 6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **YES**

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

**Kimberly S. Frey, Director**

**Elk County Elections/Voter Registrations**

**(814) 776-5337**

**Thomas G. Wagner, Solicitor**

Elk County Board of Elections  
 115 Lafayette Street  
 St. Marys, PA 15857  
 (814) 781-3445

---

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@alleghenycounty.us' <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cschnee@countyofberks.com' <[cschnee@countyofberks.com](mailto:cschnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>; 'martinw@co.delaware.pa.us'

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'pmcmanamon@penn.com' <[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com)>; 'mtb@bwlaw120.com'  
<[mtb@bwlaw120.com](mailto:mtb@bwlaw120.com)>; 'cjz@zwick-law.com' <[cjz@zwick-law.com](mailto:cjz@zwick-law.com)>; 'dzagurskie@juniataco.org'  
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<[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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**End of notice**

**From:** [Anthony J. McDonald](#)  
**To:** [Hicks, Ronald L., Jr.](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["kromano@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["andrew.szefi@allegHENYcounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["gfedeles@beavercountypa.gov"](#); ["nmorgan@beavercountypa.gov"](#); ["dcrabtree.kclaw@comcast.net"](#); ["csadler@countyofberks.com"](#); ["cschnee@countyofberks.com"](#); ["nkarn@blairco.org"](#); ["Jonathan.Jr@fosterslawfirm.com"](#); ["amfitzpatrick@buckscounty.org"](#); ["WWhite@co.butler.pa.us"](#); ["wgbarbin@atlanticbb.net"](#); ["ewtompkinslaw@gmail.com"](#); ["dam@gmlawoffices.com"](#); ["bdupuis@babstcalland.com"](#); ["nforzato@chesco.org"](#); ["cgabriel@cfwwg.com"](#); ["Info@Varilaw.com"](#); ["lec@crwlaw.net"](#); ["kbutton@shaferlaw.com"](#); ["solicitor@ccpa.net"](#); ["jcurcillo@dauphincounty.gov"](#); ["martinw@co.delaware.pa.us"](#); ["twagner@mwbklaw.com"](#); ["jackpurcell146@gmail.com"](#); ["attorneys@sbglawoffice.com"](#); ["Jerroldsulcove@blackanddavisson.com"](#); ["dsslaw@dsslawyers.com"](#); ["pmcmanamon@penn.com"](#); ["mtb@bwlaw120.com"](#); ["cjz@zwick-law.com"](#); ["dzagurskie@juniataco.org"](#); ["RuggieroF@lackawannacounty.org"](#); ["Fredericksond@lackawannacounty.org"](#); ["jepfursich@co.lancaster.pa.us"](#); ["tleslie@co.lawrence.pa.us"](#); ["warner@buzgondavis.com"](#); ["dmbesq@ptd.net"](#); ["Romilda.Crocamo@luzernecounty.org"](#); ["dsmith@mcclaw.com"](#); ["theclarkefirm@yahoo.com"](#); ["wjmpc1@gmail.com"](#); ["ssnook@bmzlaw.com"](#); ["john@matergiadunn.com"](#); ["jstein1@montcopa.org"](#); ["pnewcome@montcopa.org"](#); ["info@mmdplaw.com"](#); ["mrudas@northamptoncounty.org"](#); ["fwgarrigan@gmail.com"](#); ["wrb@pa.net"](#); ["cweed@kfblawoffice.com"](#); ["tom@410ross.com"](#); ["clawoff@hotmail.com"](#); ["mpbarbera@barberalaw.com"](#); ["krllaw@epix.net"](#); ["cgabriel@cfwwg.com"](#); ["jdewald@mpvhlaw.com"](#); ["rwinkler@zoominternet.net"](#); ["contact@theschmidtlawfirm.com"](#); ["jggrimm@vorys.com"](#); ["wkay@waynecountypa.gov"](#); ["solicitor@co.westmoreland.pa.us"](#); ["krllaw@epix.net"](#); ["plitwin@epix.net"](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["aszefi@allegHENYcounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["nkarn@blairco.org"](#); ["amfitzpatrick@buckscounty.org"](#); ["ddgrieser@buckscounty.org"](#); ["nforzato@chesco.org"](#); ["cfrens@chesco.org"](#); ["NMCentrella@duanemorris.com"](#); ["JMParks@duanemorris.com"](#); ["maronchick@hangley.com"](#); ["Rsantee@northamptoncounty.org"](#); ["Mvargo@northamptoncounty.org"](#); ["jdewald@mpvhlaw.com"](#)  
**Cc:** ["Jonathan Goldstein"](#); ["Britain Henry"](#); ["Gore, John M."](#); ["Kathleen Gallagher"](#); ["Russell Giancola"](#); ["tking@dmkcg.com"](#); ["tbreth@dmkcg.com"](#); ["msowardsnewton@jonesday.com"](#); ["scrosland@jonesday.com"](#); ["jmasterman@cooperkirk.com"](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 12:42:33 PM

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## # External Email#

All:

Here is the response of Columbia County to the questions;

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth? May 31, 2022 8am.
2. What is the full street address where the recount and recanvass will be held? 11 West Main Street Bloomsburg PA 17815
3. How many representatives or attorneys can attend for each US Senatorial campaign? 2 Reps 1 Attorney
4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass? Must pass thru the building security point.

### AND

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **NO**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process? **SURE BAR CODE IN**
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline? **YES**
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **NONE**



3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and  
YES
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

YES

Best regards,

Anthony J. McDonald

**Anthony J. McDonald, Esquire**

**Marinos, McDonald & Knecht, LLP**

**106 W. Front Street**

**Berwick, PA 18603**

**Telephone: 570.520.4019**

**Fax: 570.520.4084**



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**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>

**Sent:** Wednesday, May 25, 2022 7:30 PM

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<plitwin@epix.net>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov'  
<mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>;  
'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'aszefi@alleghenycounty.us'  
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'nkarn@blairco.org' <nkarn@blairco.org>; 'amfitzpatrick@buckscounty.org'  
<amfitzpatrick@buckscounty.org>; 'ddgrieser@buckscounty.org' <ddgrieser@buckscounty.org>;  
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<JMParks@duanemorris.com>; 'maronchick@hangley.com' <maronchick@hangley.com>;  
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'Mvargo@northamptoncounty.org' <Mvargo@northamptoncounty.org>; 'jdewald@mpvhlaw.com'  
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**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>;  
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<tbreth@dmkcq.com>; 'msowardsnewton@jonesday.com' <msowardsnewton@jonesday.com>;  
'scrosland@jonesday.com' <scrosland@jonesday.com>; 'jmasterman@cooperkirk.com'  
<jmasterman@cooperkirk.com>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were

- received by You before the 8:00 p.m. election day delivery deadline that were:
- a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
- a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio / RHicks@porterwright.com](https://www.porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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**End of notice**

**From:** Keith Button <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>  
**Sent:** Thursday, May 26, 2022 12:05 PM  
**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Cc:** 'Jonathan Ewing' <[jonathan@davemccormickpa.com](mailto:jonathan@davemccormickpa.com)>; 'Noah Jennings' <[njennings@axiomstrategies.com](mailto:njennings@axiomstrategies.com)>; 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>; 'Gore, John M.' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>; 'Kathleen Gallagher' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; 'Russell Giancola' <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>  
**Subject:** #EXT# RE: May 17, 2022 Primary Statutory Recount and Recanvass

**#External Email#**

Mr. Hicks:

In response to your emailed questions, I have inserted the answers pertaining to the Crawford County Board of Elections below **in red**.

Keith A. Button, Esq.  
Crawford Co. Solicitor  
890 Market Street  
Meadville, PA 16335  
814-724-4540, Ext. 227

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**From:** Hicks, Ronald L., Jr. [RHicks@porterwright.com](mailto:RHicks@porterwright.com)  
**Sent:** Wednesday, May 25, 2022 5:04 PM  
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**Subject:** May 17, 2022 Primary Statutory Recount and Recanvass

**Importance:** High

Dear Sir and Madam,

As counsel for Dave McCormick for U.S. Senate and its candidate, David H. McCormick, I am writing to request the following information from each of your County Boards of Elections:

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth?

The earliest Crawford County will start is Tuesday, May 31, at 9:00 a.m.

2. What is the full street address where the recount and recanvass will be held?  
**903 Diamond Park, Meadville, PA 16335**
3. How many representatives or attorneys can attend for each US Senatorial campaign?  
**Pursuant to 25 P.S. 3154(g), either the candidate, or an attorney for a candidate, may be present at the recount and recanvass.**
4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass?  
**Attorneys must provide a certificate or letter signed by the candidate.**

Your prompt response by reply email is much appreciated. I've included Mr. Oz's counsel on this message.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP  
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**END OF NOTICE**

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Sent:** Wednesday, May 25, 2022 5:04 PM  
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**Subject:** May 17, 2022 Primary Statutory Recount and Recanvass

**Importance:** High

Dear Sir and Madam,

As counsel for Dave McCormick for U.S. Senate and its candidate, David H. McCormick, I am writing to request the following information from each of your County Boards of Elections:

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth?
2. What is the full street address where the recount and recanvass will be held?
3. How many representatives or attorneys can attend for each US Senatorial campaign?
4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass?

Your prompt response by reply email is much appreciated. I've included Mr. Oz's counsel on this message.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

6 PPG Place, Third Floor / Pittsburgh, PA 15222

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**END OF NOTICE**

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**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 8:50:15 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

## # External Email #

Mr. Giancola:

Crawford County Board of Elections' answers are stated below in red.

Keith A. Button, Esq.

Crawford Co. Solicitor

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814-724-4540, Ext. 227

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Solicitors and counsel:

I write on behalf of Doctor Oz for Senate and Dr. Mehmet Oz. As a supplement to the questions asked by Mr. Hicks, and for use in the stipulations to be filed with the Commonwealth Court, we request that you also answer the following in connection with Question 5(a) below (the underlined portion constitutes additional questions added to Mr. Hicks's original inquiry):

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this questions [sic] is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or

ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?

On May 25<sup>th</sup>, we submitted an unofficial returns report to the state with the undated/misdated ballots included in the report, but these ballots are segregated from the other ballots.

iii. How many such ballots were for the Republican primary election? **7**

iv. How many such ballots included a vote for Mehmet Oz for United States Senate? **2**

v. How many such ballots included a vote for Dave McCormick for United States Senate? **3**

Please let us know if you have any questions. We appreciate your prompt responses.

Best regards,

**Russell D. Giancola**

Gallagher Giancola LLC

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**From:** Russell Giancola <rdg@glawfirm.com>

**Sent:** Thursday, May 26, 2022 2:23 PM

**To:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>; 'tgate@pa.gov' <tgate@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@allegHENYcounty.us' <andrew.szefi@allegHENYcounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; Keith Button <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbkllaw.com' <twagner@mwbkllaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>;

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Solicitors and counsel:

I write on behalf of Doctor Oz for Senate and Dr. Mehmet Oz. As a supplement to the questions asked by Mr. Hicks, and for use in the stipulations to be filed with the Commonwealth Court, we

request that you also answer the following in connection with Question 5(a) below (the underlined portion constitutes additional questions added to Mr. Hicks's original inquiry):

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this questions [sic] is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
    - iii. How many such ballots were for the Republican primary election?
    - iv. How many such ballots included a vote for Mehmet Oz for United States Senate?
    - v. How many such ballots included a vote for Dave McCormick for United States Senate?

Please let us know if you have any questions. We appreciate your prompt responses.

Best regards,

**Russell D. Giancola**

Gallagher Giancola LLC

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@alleghenycounty.us' <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cshnee@countyofberks.com' <[cshnee@countyofberks.com](mailto:cshnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>;



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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

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**To:** [Hicks, Ronald L., Jr.](#)  
**Cc:** [Curcillo, Joseph](#); [Lighty, Fred](#); [McCullough, Rebecca](#); [Spackman, Chris T](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 3:05:15 PM

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**#External Email#**

Per Dauphin County Board of Election, please see replies below in RED

**From:** "Hicks, Ronald L., Jr." <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Date:** May 25, 2022 at 7:29:45 PM EDT

**Subject: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)**

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Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **Standard Operating Procedures from the being of receiving ballots in the mail.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **YES**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **YES**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **50 (32 Democrat and 18**

Republican)

b. Contained an incorrect or incomplete date? **Zero**

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **No**

a. If your answer to this question is in the affirmative, then:

i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or

ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?

b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? **Not at this time, pending outcome of ongoing litigation.**

6. Did You receive copies of the following guidance:

a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **Yes**

b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **Yes**

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio / RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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AND SRI LANKA

May 26, 2022

## VIA E-MAIL

To: All Counsel

Re: **McCormick, et al. v. Chapman, et al., 46 MM 2022**

Dear Counsel:

I write on behalf of the Delaware County Board of Elections (“Board”) in response to your request for information related to the above-captioned case.

### **I. Board Response to McCormick Campaign Request for Information**

First, the Board reprints the questions received by the McCormick campaign and responds as follows:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes.**

a. If your answer to Question 1 is in the affirmative, when did you first institute this process?

**At every election going back until at least 2005.**

b. If your answer to Question 1 is in the negative,

i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?

**N/A**

To: All Counsel  
May 26, 2022  
Page 2

- ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?

N/A

- 2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?

Yes.

- 3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?

Yes.

- 4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:

- a. Missing a voter-provided date:

58

or

- b. Contained an incorrect or incomplete date:

0

**Envelopes with “incorrect” dates were processed and not segregated. All envelopes with no dates or partial dates were segregated together as “undated” which this survey (4.a.) presents as “Missing a voter-provided date.”**

- 5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?

Yes.

To: All Counsel  
May 26, 2022  
Page 3

a. If your answer to this question is in the affirmative, then:

i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline;

**No.**

or

ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?

**Yes.**

b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?

**N/A**

6. Did You receive copies of the following guidance:

a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020;

**Yes**

and

b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

**Yes.**



To: All Counsel  
May 26, 2022  
Page 4

## II. Board Response to Oz Campaign Request for Information

Second, the Board reprints the questions received from the Oz campaign below and responds as follows:

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?

**Yes.**

- a. If your answer to this questions [sic] is in the affirmative, then:

- i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline;

**No**

or

- ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?

**Yes.**

- iii. How many such ballots were for the Republican primary election?

**12**

- iv. How many such ballots included a vote for Mehmet Oz for United States Senate?

**2**

- v. How many such ballots included a vote for Dave McCormick for United States Senate?

**3**

To: All Counsel  
May 26, 2022  
Page 5

### III. Board Response to Request for Recount Information

Third, the Board reprints the requests received related to its recount procedures below and responds as follows:

1. **On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth?**

Logic and Accuracy testing will occur at 1 pm on May 31, 2022 at:

Delaware County Elections offices at the Union Power Plant (also known as the Wharf), at 2501 Seaport Dr., Suite BH120, Chester PA 19013.

The Recount will follow starting June 1 starting daily at 8:30 am and continue through 4:30 pm with the possibility of extending hours, if necessary to meet the statutory deadlines.

2. **What is the full street address where the recount and recanvass will be held?**

Delaware County Elections Offices at the Union Power Plant (also known as the Wharf)

2501 Seaport Dr., Suite BH120, Chester PA 19013

3. **How many representatives or attorneys can attend for each US Senatorial campaign?**

Per election code, each affected leading candidate (Mehmet Oz and Dave McCormick) or the candidate's attorney (licensed to practice in the Commonwealth of Pennsylvania) may attend.

The affected political party (the Republican Party, in this case) may have two representatives. If either or both of those party representatives are attorneys, each attorney attending must be licensed to practice law in the Commonwealth of Pennsylvania.

4. **What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass?**

The campaign and political party must provide the full name and home address of any individual who will serve as an observer -- on campaign or political-party letterhead and in advance of the day any observer will attend.

To: All Counsel  
May 26, 2022  
Page 6

Individual observers will be required to: be screened by security, present government-issued photo identification, sign in on the observer log, and abide by all rules for observers at the recount and recanvass. Attorneys are required to provide their PA Bar ID numbers when signing in on the observer log.

If any further information is required to comply with the Court's order, we stand ready to assist.

Very truly yours,

*/s/ Nicholas M. Centrella, Jr.*

Nicholas M. Centrella, Jr.

NMC

**From:** [Thomas Wagner](#)  
**To:** [Hicks, Ronald L. Jr.](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["kromano@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["andrew.szefi@alleghenycounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["gfedeles@beavercountypa.gov"](#); ["nmorgan@beavercountypa.gov"](#); ["dcrabtree.kclaw@comcast.net"](#); ["csadler@countyofberks.com"](#); ["cschnee@countyofberks.com"](#); ["nkarn@blairco.org"](#); ["Jonathan.Jr@fosterslawfirm.com"](#); ["amfitzpatrick@buckscounty.org"](#); ["VWhite@co.butler.pa.us"](#); ["wgbarbin@atlanticbb.net"](#); ["ewtompkinslaw@gmail.com"](#); ["dam@gmlawoffices.com"](#); ["bdupuis@babstcalland.com"](#); ["nforzato@chesco.org"](#); ["cgabriel@cfwwg.com"](#); ["Info@Varilaw.com"](#); ["lec@crwlaw.net"](#); ["ajm@mmkllp.com"](#); ["kbutton@shaferlaw.com"](#); ["solicitor@ccpa.net"](#); ["jcurcillo@dauphincounty.gov"](#); ["martinw@co.delaware.pa.us"](#); ["jackpurcell146@gmail.com"](#); ["attorneys@sbglawoffice.com"](#); ["Jerroldsulcove@blackanddavisson.com"](#); ["dsslw@dsslawyers.com"](#); ["pmcmanamon@penn.com"](#); ["mtb@bvlaw120.com"](#); ["cjz@zwick-law.com"](#); ["dzagurskie@juniataco.org"](#); ["RuggieroF@lackawannacounty.org"](#); ["Frederickson@lackawannacounty.org"](#); ["jepfursich@co.lancaster.pa.us"](#); ["tleslie@co.lawrence.pa.us"](#); ["warner@buzgondavis.com"](#); ["dmbesq@ptd.net"](#); ["Romilda.Crocamo@luzernecounty.org"](#); ["dsmith@mcclaw.com"](#); ["theclarkefirm@yahoo.com"](#); ["wjmpc1@gmail.com"](#); ["ssnook@bmlzlaw.com"](#); ["john@matergiadunn.com"](#); ["jstein1@montcopa.org"](#); ["pnewcome@montcopa.org"](#); ["info@mmdplaw.com"](#); ["mrudas@northamptoncounty.org"](#); ["fwgarrigan@gmail.com"](#); ["wrb@pa.net"](#); ["cweed@kfbllawoffice.com"](#); ["tom@410ross.com"](#); ["clawoff@hotmail.com"](#); ["mpbarbera@barberalaw.com"](#); ["krllaw@epix.net"](#); ["cgabriel@cfwwg.com"](#); ["jdewald@mpvhlaw.com"](#); ["rwinkler@zoominternet.net"](#); ["contact@theschmidtlawfirm.com"](#); ["jprgrimm@vorys.com"](#); ["wkay@waynecountypa.gov"](#); ["solicitor@co.westmoreland.pa.us"](#); ["krllaw@epix.net"](#); ["plitwin@epix.net"](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["aszefi@alleghenycounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["nkarn@blairco.org"](#); ["amfitzpatrick@buckscounty.org"](#); ["ddgrieser@buckscounty.org"](#); ["nforzato@chesco.org"](#); ["cfrens@chesco.org"](#); ["NMCentrella@duanemorris.com"](#); ["JMParks@duanemorris.com"](#); ["maronchick@hangley.com"](#); ["Rsantee@northamptoncounty.org"](#); ["Mvargo@northamptoncounty.org"](#); ["jdewald@mpvhlaw.com"](#)  
**Cc:** ["Jonathan Goldstein"](#); ["Britain Henry"](#); ["Gore, John M."](#); ["Kathleen Gallagher"](#); ["Russell Giancola"](#); ["tking@dmkcq.com"](#); ["tbreth@dmkcq.com"](#); ["msowardsnewton@jonesday.com"](#); ["scrosland@jonesday.com"](#); ["jmasterman@cooperkirk.com"](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 12:12:09 PM

---

## #External Email#

All:

Here is the response of Elk County to the questions;

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **When Absentee or Mail-In Ballots are received into the Elk County Elections Office it has always been policy to date stamp ballots as received.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **YES**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day

- deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **YES**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
    - a. Missing a voter-provided date; or **17 BALLOTS**
    - b. Contained an incorrect or incomplete date? **0 BALLOTS**
  5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **YES**
    - a. If your answer to this question is in the affirmative, then:
      - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **NO**
      - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **YES**
    - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
  6. Did You receive copies of the following guidance:
    - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
    - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **YES**

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

*Kimberly S. Frey, Director*  
*Elk County Elections/Voter Registrations*  
*(814) 776-5337*

*Thomas G. Wagner, Solicitor*  
Elk Count Board of Elections  
115 Lafayette Street  
St. Marys, PA 15857  
(814) 781-3445

---

**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@allegHENYcounty.us' <andrew.szefi@allegHENYcounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; Thomas Wagner <twagner@mwbkclaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>; 'Jerrolsulcove@blackanddavis.com' <Jerrolsulcove@blackanddavis.com>; 'dsslw@dsslwlawyers.com' <dsslw@dsslwlawyers.com>; 'pmcmanamon@penn.com' <pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com' <cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>; 'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>; 'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>; 'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us' <tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>; 'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org' <Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>; 'thecclarkefirm@yahoo.com' <thecclarkefirm@yahoo.com>; 'wjmpc1@gmail.com' <wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com' <john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>; 'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com' <info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>; 'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>; 'cweed@kfbblawoffice.com' <cweed@kfbblawoffice.com>; 'tom@410ross.com' <tom@410ross.com>; 'clawoff@hotmail.com' <clawoff@hotmail.com>; 'mpbarbera@barberalaw.com' <mpbarbera@barberalaw.com>; 'krllaw@epix.net' <krllaw@epix.net>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>; 'rwinkler@zoominternet.net' <rwinkler@zoominternet.net>; 'contact@theschmidtlawfirm.com' <contact@theschmidtlawfirm.com>; 'jppgrimm@vorys.com' <jppgrimm@vorys.com>;

'wkay@waynecountypa.gov' <wkay@waynecountypa.gov>; 'solicitor@co.westmoreland.pa.us' <solicitor@co.westmoreland.pa.us>; 'krllaw@epix.net' <krllaw@epix.net>; 'plitwin@epix.net' <plitwin@epix.net>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'aszefi@alleghenycounty.us' <aszefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'ddgrieser@buckscounty.org' <ddgrieser@buckscounty.org>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cfrens@chesco.org' <cfrens@chesco.org>; 'NMCentrella@duanemorris.com' <NMCentrella@duanemorris.com>; 'JMParks@duanemorris.com' <JMParks@duanemorris.com>; 'maronchick@hangle.com' <maronchick@hangle.com>; 'Rsantee@northamptoncounty.org' <Rsantee@northamptoncounty.org>; 'Mvargo@northamptoncounty.org' <Mvargo@northamptoncounty.org>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>  
**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>; 'Gore, John M.' <jmgore@jonesday.com>; 'Kathleen Gallagher' <kag@glawfirm.com>; 'Russell Giancola' <rdg@glawfirm.com>; 'tking@dmkcq.com' <tking@dmkcq.com>; 'tbreth@dmkcq.com' <tbreth@dmkcq.com>; 'msowardsnewton@jonesday.com' <msowardsnewton@jonesday.com>; 'scrosland@jonesday.com' <scrosland@jonesday.com>; 'jmasterman@cooperkirk.com' <jmasterman@cooperkirk.com>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?

2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**END OF NOTICE**

**From:** Marybeth Kuznik <[mbkuznik@fayettepa.org](mailto:mbkuznik@fayettepa.org)>  
**Sent:** Friday, May 27, 2022 10:20 AM  
**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Cc:** 'Jack Purcell' <[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com)>; [sherylheidlaw@gmail.com](mailto:sherylheidlaw@gmail.com)  
**Subject:** #EXT# Re: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**#External Email#**

FAYETTE COUNTY RESPONSES – 05-26-2022

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?

REPLY: YES, with exception of two military ballots that were missed due to error by inexperienced staff member

- a. If your answer to Question 1 is in the affirmative, when did you first institute this process?

REPLY: At least since 1984.

- b. If your answer to Question 1 is in the negative,
  - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?

N/A

- ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?

N/A

2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?

REPLY: YES

3. **If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?**

REPLY: Undated Ballots: YES, they are segregated

Incomplete/Incorrectly Dated Ballots: NO because these ballots were counted as normal ballots per PA Department of State Communication dated 10/25/20 and emailed instructions from Deputy Secretary of the Commonwealth dated 06/01/2021.

4. **If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:**

- a. **Missing a voter-provided date; or**

REPLY: 52 ballots

- b. **Contained an incorrect or incomplete date?**

REPLY: Unknown because these ballots were counted as normal ballots per PA Department of State Communication dated 10/25/20 and emailed instructions from Deputy Secretary of the Commonwealth dated 06/01/2021.

5. **As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?**

REPLY: Undated Ballots: NO

Incomplete/Incorrectly Dated Ballots: YES because these ballots were counted as normal ballots per PA Department of State Communication dated 10/25/20 and emailed instructions from Deputy Secretary of the Commonwealth dated 06/01/2021.

- a. **If your answer to this question is in the affirmative, then:**
  - i. **Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline;**  
**or**

REPLY: Undated Ballots: Not counted, but the 52 undated ballots were reported among the total of "Absentee and Mail-In Ballots that May Yet Be Counted" (see Part II, Page 4 of 5).

Incomplete/Incorrectly Dated Ballots: YES because these ballots were counted as normal ballots per PA Department of State Communication dated 10/25/20 and emailed instructions from Deputy Secretary of the Commonwealth dated 06/01/2021.

- ii. **Have you segregated the vote count from those ballots and reported them separately to the Department of State?**

REPLY: Undated Ballots: Not counted

Incomplete/Incorrect Date: NO because these ballots were counted as normal ballots per PA Department of State Communication dated 10/25/20 and emailed instructions from Deputy Secretary of the Commonwealth dated 06/01/2021.

- c. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?

REPLY: YES, upon receipt of a binding legal order to do so

- 6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and

REPLY: YES

- b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

REPLY: YES

Prepared by Marybeth Kuznik, Fayette County Director of Elections  
Approved by Fayette County Solicitor Jack Purcell  
5-26-2022

-----  
Marybeth Kuznik  
Director  
Fayette County Election Bureau  
2 West Main Street, Suite 111  
Uniontown, PA 15401  
724-430-1289, ext. 101, phone  
724-430-4948, fax



**From:** "Hicks, Ronald L., Jr." <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Date:** May 25, 2022 at 7:29:41 PM EDT

**To:** "[tgates@pa.gov](mailto:tgates@pa.gov)" <[tgates@pa.gov](mailto:tgates@pa.gov)>, "[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)" <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>, "[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)" <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>, "[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)" <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>, "[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)" <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>, "[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)" <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>, "[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)" <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>, "[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)" 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**Cc:** Jonathan Goldstein <jgoldstein@goldsteinlp.com>, Britain Henry <bhenry@goldsteinlp.com>, "Gore, John M." <jmgore@jonesday.com>, Kathleen Gallagher <kag@glawfirm.com>, Russell Giancola <rdg@glawfirm.com>, "tking@dmkcq.com" <tking@dmkcq.com>, "tbreth@dmkcq.com" <tbreth@dmkcq.com>, "msowardsnewton@jonesday.com" <msowardsnewton@jonesday.com>, "scrosland@jonesday.com" <scrosland@jonesday.com>, "jmasterman@cooperkirk.com" <jmasterman@cooperkirk.com>

**Subject: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)**

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?

- ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

Bio / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**From:** [elliottsulcove@blackanddavison.com](mailto:elliottsulcove@blackanddavison.com)  
**To:** [Hicks, Ronald L., Jr.](#)  
**Subject:** #EXT# McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 4:23:44 PM

---

**#External Email#**

Dear Mr. Hicks:

In response to your email of May 26, 2022:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **Franklin County's practice is to stamp all mail, including absentee and mail-in ballots, with the date received.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes.**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Yes.**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were: **Nine (9).**
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **Per the Pennsylvania Department of State Guidance, yes.**
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **Yes.**
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020;

and Yes.

b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. Yes.

Per my prior email, I am not sure who represents what party in your email, and I ask that you circulate these answers to counsel for the opposing candidate and anyone else who may have an interest therein.

Thank you,

Elliott Sulcove

Elliott B. Sulcove

**BLACK AND DAVISON, P.C.**

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**From:** [elliottsulcove@blackanddavison.com](mailto:elliottsulcove@blackanddavison.com) <[elliottsulcove@blackanddavison.com](mailto:elliottsulcove@blackanddavison.com)>  
**Sent:** Thursday, May 26, 2022 4:29 PM  
**To:** [rdg@glawfirm.com](mailto:rdg@glawfirm.com)  
**Cc:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Subject:** #EXT# McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**#External Email#**

Dear Mr. Giancola:

The undersigned represents the Franklin County Board of Elections. In response to your request for information:

1. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **Yes, based on guidance from the PA Department of State.**

a. If your answer to this questions [sic] is in the affirmative, then:

i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **Yes, but on a separate reporting form from the undated ballots.**

ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **Yes, but on a separate reporting form from the unofficial results.**

iii. How many such ballots were for the Republican primary election? **Four (4)**

iv. How many such ballots included a vote for Mehmet Oz for United States Senate? **Two (2)**

I am not sure who represents what party in your email, and I ask that you circulate these answers to counsel for the opposing candidate and anyone else who may have an interest therein.

Thank you,  
Elliott Sulcove

Elliott B. Sulcove  
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**From:** James Stein <[Jim@dsslawyers.com](mailto:Jim@dsslawyers.com)>  
**Sent:** Friday, May 27, 2022 8:36 AM  
**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**#External Email#**

Attorney Hicks,

Fulton County has no ballots which would be subject to the directive in question and takes no position regarding this litigation.

Thanks,

Jim Stein  
Solicitor, Fulton County Pennsylvania

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
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'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov'  
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'jdewald@mpvhlaw.com' <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>; 'wkay@waynecountypa.gov'  
<[wkay@waynecountypa.gov](mailto:wkay@waynecountypa.gov)>; 'mguiddy@co.westmoreland.pa.us'  
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'rdg@glawfirm.com' <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>; 'jmgore@jonesday.com' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>;  
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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Good evening, Solicitors and Counsel.

Thank you for your responses. If you have not responded to the below message or the one sent by Dr. Oz's attorneys, we ask that you please do so before 10:00 p.m. this evening.

Also, we are assimilating the information that has been provided to date and will send out tomorrow morning by 9:00 a.m. a draft fact stipulation. Your prompt response or comments to this stipulation will be much appreciated.

Best regards,

## **RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@allegHENYcounty.us' <[andrew.szefi@allegHENYcounty.us](mailto:andrew.szefi@allegHENYcounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cshnee@countyofberks.com' <[cshnee@countyofberks.com](mailto:cshnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>;

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'fwgarrigan@gmail.com' <[fwgarrigan@gmail.com](mailto:fwgarrigan@gmail.com)>; 'wrb@pa.net' <[wrb@pa.net](mailto:wrb@pa.net)>; 'cweed@kfblawoffice.com' <[cweed@kfblawoffice.com](mailto:cweed@kfblawoffice.com)>; 'tom@410ross.com' <[tom@410ross.com](mailto:tom@410ross.com)>; 'clawoff@hotmail.com' <[clawoff@hotmail.com](mailto:clawoff@hotmail.com)>; 'mpbarbera@barberalaw.com' <[mpbarbera@barberalaw.com](mailto:mpbarbera@barberalaw.com)>; 'krllaw@epix.net' <[krllaw@epix.net](mailto:krllaw@epix.net)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'jdewald@mpvhlaw.com' <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>; 'rwinkler@zoominternet.net' <[rwinkler@zoominternet.net](mailto:rwinkler@zoominternet.net)>; 'contact@theschmidtlawfirm.com' <[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)>; 'jpg Grimm@vorys.com' <[jpg Grimm@vorys.com](mailto:jpg Grimm@vorys.com)>; 'wkay@waynecountypa.gov' <[wkay@waynecountypa.gov](mailto:wkay@waynecountypa.gov)>; 'solicitor@co.westmoreland.pa.us' <[solicitor@co.westmoreland.pa.us](mailto:solicitor@co.westmoreland.pa.us)>; 'krllaw@epix.net' <[krllaw@epix.net](mailto:krllaw@epix.net)>; 'plitwin@epix.net' <[plitwin@epix.net](mailto:plitwin@epix.net)>; 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'aszefi@alleghenycounty.us' <[aszefi@alleghenycounty.us](mailto:aszefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'ddgrieser@buckscounty.org' <[ddgrieser@buckscounty.org](mailto:ddgrieser@buckscounty.org)>; 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**Cc:** 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>; 'Gore, John M.' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>; 'Kathleen Gallagher' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; 'Russell Giancola' <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>; 'tking@dmkcq.com' <[tking@dmkcq.com](mailto:tking@dmkcq.com)>; 'tbreth@dmkcq.com' <[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>; 'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; 'jmasterman@cooperkirk.com' <[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?

- a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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6 PPG Place, Third Floor / Pittsburgh, PA 15222

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**END OF NOTICE**

**From:** [Heather Fellman](#)  
**To:** [Dupuis, Betsy](#)  
**Subject:** RE: McCormick et. al. vs. Chapman et. al. Supreme Court 46 MM 2022  
**Date:** Friday, May 27, 2022 10:33:01 AM  
**Attachments:** [image001.png](#)

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ATTENTION: Email sent from outside Babst Calland.

Good morning,

I apologize for the delay. I had to be out of the office yesterday. Here are the answers for Huntingdon County:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes. We date stamp all ballot envelopes when they are received.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **This has been a long-standing practice of our office. I am unsure of when it was originally implemented.**
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Yes**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **18**
  - b. Contained an incorrect or incomplete date? **0**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **No**
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? **Yes. Wednesday June 1<sup>st</sup>.**
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **Yes**
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **Yes**

**Heather N. Fellman, Chief Clerk**  
Huntingdon County Commissioners  
233 Penn Street  
Huntingdon, PA 16652  
814-643-3091 ext 204

---

**From:** Dupuis, Betsy <BDupuis@babstcalland.com>  
**Sent:** Thursday, May 26, 2022 8:48 PM  
**To:** Donald Frederickson <donald\_frederickson@yahoo.com>; frank.garrigan@norrycopa.net; 'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'cjz@zwick-law.com' <cjz@zwick-law.com>; Heather Fellman <hfellman@huntingdoncounty.net>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>  
**Cc:** Summerson, Ashlee M. <ASummerson@babstcalland.com>; Jewart, Anna S. <AJewart@babstcalland.com>; Keegan, Sean <SKeegan@babstcalland.com>  
**Subject:** McCormick et. al. vs. Chapman et. al. Supreme Court 46 MM 2022

**\*\*\* This is an EXTERNAL email. Please exercise caution when opening attachments, clicking links, or accessing secure emails. \*\*\***

All –

Attached is our no answer letter filed on behalf of the Counties. Please let me know if you have questions. There were numerous letters filed today and several answers. I'll review those and forward you links to the same if you wish to review. There are also answers/interventions by the Oz campaign and Republican Party.

I believe Indiana, Jefferson and Lackawanna have provided answers to Petitioner's counsel for the stipulation as to facts. I've attached the email again here for everyone else to review and complete. Keep in mind there were two sent by Attorney Hicks, the first was about the recount process and not something related to the fact stipulation required by the Commonwealth Court (due tomorrow at noon). In addition, the Oz campaign asked for some additional information which is included in the attached email (not sure if anyone responded to those questions already).

Thanks.

Betsy

**Elizabeth (Betsy) A. Dupuis (she/her/hers)**  
Attorney at Law  
[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)

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---

**From:** [Matthew Budash](#)  
**To:** [Hicks, Ronald L. Jr.](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["kromano@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["andrew.szefi@alleghenycounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["gfedeles@beavercountypa.gov"](#); ["nmorgan@beavercountypa.gov"](#); ["dcrabtree.kclaw@comcast.net"](#); ["csadler@countyofberks.com"](#); ["cschnee@countyofberks.com"](#); ["nkarn@blairco.org"](#); ["Jonathan.Jr@fosterslawfirm.com"](#); ["amfitzpatrick@buckscounty.org"](#); ["VWhite@co.butler.pa.us"](#); ["wgbarbin@atlanticbb.net"](#); ["ewtompkinslaw@gmail.com"](#); ["dam@gmlawoffices.com"](#); ["bdupuis@abstcalland.com"](#); ["nforzato@chesco.org"](#); ["cgabriel@cfwwg.com"](#); ["Info@Varilaw.com"](#); ["lec@crwlaw.net"](#); ["ajm@mmkllp.com"](#); ["kbutton@shaferlaw.com"](#); ["solicitor@ccpa.net"](#); ["jcurcillo@dauphincounty.gov"](#); ["martinw@co.delaware.pa.us"](#); ["twagner@mwbklaw.com"](#); ["jackpurcell146@gmail.com"](#); ["attorneys@sbgilawoffice.com"](#); ["Jerroldsulcove@blackanddavisson.com"](#); ["dsslaw@dsslawyers.com"](#); ["pmcmanamon@penn.com"](#); ["cjz@zwick-law.com"](#); ["dzagurskie@juniataco.org"](#); ["RuggieroF@lackawannacounty.org"](#); ["Fredericksond@lackawannacounty.org"](#); ["jepfursich@co.lancaster.pa.us"](#); ["tleslie@co.lawrence.pa.us"](#); ["warner@buzgondavis.com"](#); ["dmbesq@ptd.net"](#); ["Romilda.Crocamo@luzernecounty.org"](#); ["dsmith@mcclaw.com"](#); ["theclarkefirm@yahoo.com"](#); ["wjmpc1@gmail.com"](#); ["ssnook@bmzlaw.com"](#); ["john@matergiadunn.com"](#); ["jstein1@montcopa.org"](#); ["pnewcome@montcopa.org"](#); ["info@mmdplaw.com"](#); ["mrudas@northamptoncounty.org"](#); ["fwgarrigan@gmail.com"](#); ["wrb@pa.net"](#); ["cweed@kfblawoffice.com"](#); ["tom@410ross.com"](#); ["clawoff@hotmail.com"](#); ["mpbarbera@barberalaw.com"](#); ["krllaw@epix.net"](#); ["cgabriel@cfwwg.com"](#); ["jdewald@mpvhlaw.com"](#); ["rwinkler@zoominternet.net"](#); ["contact@theschmidtlawfirm.com"](#); ["jppgrimm@vorys.com"](#); ["wkay@waynecountypa.gov"](#); ["solicitor@co.westmoreland.pa.us"](#); ["krllaw@epix.net"](#); ["plitwin@epix.net"](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["aszefi@alleghenycounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["nkarn@blairco.org"](#); ["amfitzpatrick@buckscounty.org"](#); ["ddgrieser@buckscounty.org"](#); ["nforzato@chesco.org"](#); ["cfrens@chesco.org"](#); ["NMCentrella@duanemorris.com"](#); ["JMParks@duanemorris.com"](#); ["maronchick@hangley.com"](#); ["Rsantee@northamptoncounty.org"](#); ["Mvargo@northamptoncounty.org"](#); ["jdewald@mpvhlaw.com"](#)  
**Cc:** ["Jonathan Goldstein"](#); ["Britain Henry"](#); ["Gore, John M."](#); ["Kathleen Gallagher"](#); ["Russell Giancola"](#); ["tking@dmkcq.com"](#); ["tbreth@dmkcq.com"](#); ["msowardsnewton@jonesday.com"](#); ["scrosland@jonesday.com"](#); ["jmasterman@cooperkirk.com"](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 2:56:02 PM

---

## #External Email#

The response of Indiana County:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **2020**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **yes**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **yes**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **30**
  - b. Contained an incorrect or incomplete date? **0**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **yes**

- a. If your answer to this question is in the affirmative, then:
- i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **no**
  - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **Yes**
- b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? **Yes. Counted on May 24, 2022.**
6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **yes**
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **yes**

Matthew T. Budash, Esquire

Budash and Welch, LLP

[120 South 7th Street](#)

[Indiana, PA 15701](#)

Phone: [724-463-6050](tel:724-463-6050)

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---

**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@allegHENYcounty.us' <andrew.szefi@allegHENYcounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net'

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<nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>;  
'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us'  
<WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>;  
'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com'  
<dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>;  
'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>;  
'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com'  
<ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net'  
<solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>;  
'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbklaw.com'  
<twagner@mwbklaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>;  
'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>;  
'Jerrolsulcove@blackanddavison.com' <Jerrolsulcove@blackanddavison.com>;  
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<cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>;  
'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>;  
'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>;  
'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us'  
<tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>;  
'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org'  
<Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>;  
'theclarkefirm@yahoo.com' <theclarkefirm@yahoo.com>; 'wjmpc1@gmail.com'  
<wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com'  
<john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>;  
'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com'  
<info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>;  
'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>;  
'cweed@kfbblawoffice.com' <cweed@kfbblawoffice.com>; 'tom@410ross.com' <tom@410ross.com>;  
'clawoff@hotmail.com' <clawoff@hotmail.com>; 'mpbarbera@barberalaw.com'  
<mpbarbera@barberalaw.com>; 'krllaw@epix.net' <krllaw@epix.net>; 'cgabriel@cfwwg.com'  
<cgabriel@cfwwg.com>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>;  
'rwinkler@zoominternet.net' <rwinkler@zoominternet.net>; 'contact@theschmidtlawfirm.com'  
<contact@theschmidtlawfirm.com>; 'jpgrimm@vorys.com' <jpgrimm@vorys.com>;  
'wkay@waynecountypa.gov' <wkay@waynecountypa.gov>; 'solicitor@co.westmoreland.pa.us'  
<solicitor@co.westmoreland.pa.us>; 'krllaw@epix.net' <krllaw@epix.net>; 'plitwin@epix.net'  
<plitwin@epix.net>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov'  
<mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>;  
'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'aszefi@alleghenycounty.us'  
<aszefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>;  
'nkarn@blairco.org' <nkarn@blairco.org>; 'amfitzpatrick@buckscounty.org'  
<amfitzpatrick@buckscounty.org>; 'ddgrieser@buckscounty.org' <ddgrieser@buckscounty.org>;  
'nforzato@chesco.org' <nforzato@chesco.org>; 'cfrens@chesco.org' <cfrens@chesco.org>;



'NMCentrella@duanemorris.com' <NMCentrella@duanemorris.com>; 'JMParks@duanemorris.com' <JMParks@duanemorris.com>; 'maronchick@hangley.com' <maronchick@hangley.com>; 'Rsantee@northamptoncounty.org' <Rsantee@northamptoncounty.org>; 'Mvargo@northamptoncounty.org' <Mvargo@northamptoncounty.org>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>

**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>; 'Gore, John M.' <jmgore@jonesday.com>; 'Kathleen Gallagher' <kag@glawfirm.com>; 'Russell Giancola' <rdg@glawfirm.com>; 'tking@dmkcq.com' <tking@dmkcq.com>; 'tbreth@dmkcq.com' <tbreth@dmkcq.com>; 'msowardsnewton@jonesday.com' <msowardsnewton@jonesday.com>; 'scrosland@jonesday.com' <scrosland@jonesday.com>; 'jmasterman@cooperkirk.com' <jmasterman@cooperkirk.com>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them

- separately to the Department of State?
- b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
- b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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**End of notice**

**From:** C.J. Zwick  
**To:** Hicks, Ronald L., Jr.; "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "kromano@attorneygeneral.gov"; "mmudd@adamscounty.us"; "andrew.szefi@alleghenycounty.us"; "aopsitnick@opsitnickslaw.com"; "gfedeles@beavercountypa.gov"; "nmorgan@beavercountypa.gov"; "dcrabtree.kclaw@comcast.net"; "csadler@countyofberks.com"; "cschnee@countyofberks.com"; "nkarn@blairco.org"; "Jonathan.Jr@fosterslawfirm.com"; "amfitzpatrick@buckscounty.org"; "VWhite@co.butler.pa.us"; "wgbarbin@atlanticbb.net"; "ewtompkinslaw@gmail.com"; "dam@gmlawoffices.com"; "bdupuis@babstcalland.com"; "nforzato@chesco.org"; "cgabriel@cfwwg.com"; "Info@Varilaw.com"; "lec@crwlaw.net"; "ajm@mmkllp.com"; "kbutton@shaferlaw.com"; "solicitor@ccpa.net"; "jcurcillo@dauphincounty.gov"; "martinw@co.delaware.pa.us"; "twagner@mwbklaw.com"; "jackpurcell146@gmail.com"; "attorneys@sbgilawoffice.com"; "Jeroldsulcove@blackanddavisson.com"; "dsslw@dsslawyers.com"; "pmcmanamon@penn.com"; "mtb@bwlw120.com"; "dzagurskie@juniataco.org"; "JpgrieroF@lackawannacounty.org"; "Fredericksond@lackawannacounty.org"; "jepfursich@co.lancaster.pa.us"; "tleslie@co.lawrence.pa.us"; "warner@buzgondavis.com"; "dmbesq@ptd.net"; "Romilda.Crocamo@luzernecounty.org"; "dsmith@mcclaw.com"; "theclarkefirm@yahoo.com"; "wjmpc1@gmail.com"; "ssnook@bmzlaw.com"; "john@matergiadunn.com"; "jstein1@montcopa.org"; "pnewcome@montcopa.org"; "info@mmdplaw.com"; "mrudas@northamptoncounty.org"; "fwgarrigan@gmail.com"; "wrb@pa.net"; "cweed@kfblawoffice.com"; "tom@410ross.com"; "clawoff@hotmail.com"; "mpbarbera@barberalaw.com"; "krllaw@epix.net"; "cgabriel@cfwwg.com"; "jdewald@mpvhlaw.com"; "rwinkler@zoominternet.net"; "contact@theschmidtlawfirm.com"; "jpgrimm@vorys.com"; "wkay@waynecountypa.gov"; "solicitor@co.westmoreland.pa.us"; "krllaw@epix.net"; "plitwin@epix.net"; "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "mmudd@adamscounty.us"; "aszefi@alleghenycounty.us"; "aopsitnick@opsitnickslaw.com"; "nkarn@blairco.org"; "amfitzpatrick@buckscounty.org"; "ddgrieser@buckscounty.org"; "nforzato@chesco.org"; "cfrens@chesco.org"; "NMCentrella@duanemorris.com"; "JMParks@duanemorris.com"; "maronchick@hangle.com"; "Rsantee@northamptoncounty.org"; "Mvargo@northamptoncounty.org"; "jdewald@mpvhlaw.com"  
**Cc:** "Jonathan Goldstein"; "Britain Henry"; "Gore, John M."; "Kathleen Gallagher"; "Russell Giancola"; "tking@dmkcq.com"; "tbreth@dmkcq.com"; "msowardsnewton@jonesday.com"; "scrosland@jonesday.com"; "jmasterman@cooperkirk.com"  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 2:06:48 PM  
**Attachments:** image001.png

## #External Email#

All:

Below are Jefferson County's answers to the questions posed:

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth? **June 1, 2022, at 9:00 AM**
2. What is the full street address where the recount and recanvass will be held? **155 Main Street, Brookville, PA 15825 2<sup>nd</sup> Floor**
3. How many representatives or attorneys can attend for each US Senatorial campaign? **2 representatives plus one attorney – total 3 for each, with 1 of each 3 being an attorney**
4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass? **Must pass through the security point at the second floor entrance, plus present a letter from respective campaign to identify the rep/attorney**
  1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **Jefferson County always has date stamped all absentee and mail-in ballots received in the BOE office.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in

- ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **No.**
  3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
  4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
    - a. Missing a voter-provided date; or
    - b. Contained an incorrect or incomplete date?
  5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
    - a. If your answer to this question is in the affirmative, then:
      - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
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  6. Did You receive copies of the following guidance:
    - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **Yes**
    - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **Yes**

---

## C.J. Zwick, Esquire

### Attorney at Law



171 Beaver Drive | P.O. Box 1127 | DuBois, PA 15801

Tel: (814) 371-6400 | Cell: (814) 771-0399 | Fax: (814) 503-8453

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---

**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@allegHENYcounty.us' <andrew.szefi@allegHENYcounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cscHnee@countyofberks.com' <cscHnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbklaw.com' <twagner@mwbklaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>; 'Jerrolsulcove@blackanddavison.com' <Jerrolsulcove@blackanddavison.com>; 'dsslaw@dsslayers.com' <dsslaw@dsslayers.com>; 'pmcmanamon@penn.com' <pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; C.J. Zwick <cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>; 'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>; 'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>; 'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us' <tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>; 'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org' <Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>; 'theclarkefirm@yahoo.com' <theclarkefirm@yahoo.com>; 'wjmpc1@gmail.com' <wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com' <john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>; 'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com' <info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>; 'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>; 'cweed@kfblawoffice.com' <cweed@kfblawoffice.com>; 'tom@410ross.com' <tom@410ross.com>; 'clawoff@hotmail.com' <clawoff@hotmail.com>; 'mpbarbera@barberalaw.com' <mpbarbera@barberalaw.com>; 'krllaw@epix.net' <krllaw@epix.net>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>; 'rwinkler@zoominternet.net' <rwinkler@zoominternet.net>; 'contact@theschmidtlawfirm.com' <contact@theschmidtlawfirm.com>; 'jpgrimm@vorys.com' <jpgrimm@vorys.com>; 'wkay@waynecountypa.gov' <wkay@waynecountypa.gov>; 'solicitor@co.westmoreland.pa.us'

<solicitor@co.westmoreland.pa.us>; 'krllaw@epix.net' <krllaw@epix.net>; 'plitwin@epix.net' <plitwin@epix.net>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'aszefi@alleghenycounty.us' <aszefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'ddgrieser@buckscounty.org' <ddgrieser@buckscounty.org>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cfrens@chesco.org' <cfrens@chesco.org>; 'NMCentrella@duanemorris.com' <NMCentrella@duanemorris.com>; 'JMParks@duanemorris.com' <JMParks@duanemorris.com>; 'maronchick@hangley.com' <maronchick@hangley.com>; 'Rsantee@northamptoncounty.org' <Rsantee@northamptoncounty.org>; 'Mvargo@northamptoncounty.org' <Mvargo@northamptoncounty.org>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>  
**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>; 'Gore, John M.' <jmgore@jonesday.com>; 'Kathleen Gallagher' <kag@glawfirm.com>; 'Russell Giancola' <rdg@glawfirm.com>; 'tking@dmkcq.com' <tking@dmkcq.com>; 'tbreth@dmkcq.com' <tbreth@dmkcq.com>; 'msowardsnewton@jonesday.com' <msowardsnewton@jonesday.com>; 'scrosland@jonesday.com' <scrosland@jonesday.com>; 'jmasterman@cooperkirk.com' <jmasterman@cooperkirk.com>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

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  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or

- b. Contained an incorrect or incomplete date?
- 5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
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    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
- 6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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**End of notice**

**From:** [Donald Frederickson](#)  
**To:** [Dupuis, Betsy](#)  
**Subject:** Fw: May 17, 2022 Primary Statutory Recount and Recanvass  
**Date:** Friday, May 27, 2022 10:34:58 AM

---

ATTENTION: Email sent from outside Babst Calland.

Betsy, please see Lackawanna County's responses to the recount questions from Atty. Hicks.

Thanks,

Don.

***Donald J. Frederickson, Jr., Esquire***

Lackawanna County General Counsel for Litigation  
W-B/Scranton International Airport Solicitor  
Lackawanna County Election Board Solicitor

Lackawanna County Government Center at the Globe  
Commissioner's Office  
123 Wyoming Avenue - 6th Floor  
Scranton PA 18503  
Ph. (570)963-6800  
(570)451-0600  
Fax: (570)451-2976



NEW LOGO 2020 - WITH NAMES

Dear Sir and Madam,

As counsel for Dave McCormick for U.S. Senate and its candidate, David H. McCormick, I am writing to request the following information from each of your County Boards of Elections:

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth? **TUESDAY, MAY 31, 2022, 9:00AM**

2. What is the full street address where the recount and recanvass will be held? **LACKAWANNA**

3. How many representatives or attorneys can attend for each US Senatorial campaign? **2 PER CANDIDATE**
  
4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass? **PROVIDE THE NAMES AND CONTACT INFORMATION VIA EMAIL TO THE DIRECTOR OF ELECTIONS: [HOPKINSE@LACKAWANNACOUNTY.ORG](mailto:HOPKINSE@LACKAWANNACOUNTY.ORG)**

Your prompt response by reply email is much appreciated. I've included Mr. Oz's counsel on this message.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**END OF NOTICE**

**From:** Dupuis, Betsy  
**To:** Hicks, Ronald L., Jr.; "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "kromano@attorneygeneral.gov"; "mmudd@adamscounty.us"; "andrew.szefi@alleghenycounty.us"; "aopsitnick@opsitnickslaw.com"; "gfedeles@beavercountypa.gov"; "nmorgan@beavercountypa.gov"; "dcrabtree.kclaw@comcast.net"; "csadler@countyofberks.com"; "cschnee@countyofberks.com"; "nkarn@blairco.org"; "Jonathan.Jr@fosterslawfirm.com"; "amfitzpatrick@buckscounty.org"; "VWhite@co.butler.pa.us"; "wgbarbin@atlanticbb.net"; "ewtompkinslaw@gmail.com"; "dam@glmawoffices.com"; "nforzato@chesco.org"; "cgabriel@cfwwg.com"; "Info@VarILaw.com"; "lec@crwlaw.net"; "ajm@mmkllp.com"; "kbutton@shaferlaw.com"; "solicitor@ccpa.net"; "jcurcillo@dauphincounty.gov"; "martinw@co.delaware.pa.us"; "twagner@mwbklaw.com"; "jackpurcell146@gmail.com"; "attorneys@sbgglawoffice.com"; "Jerroldsulcove@blackanddavisson.com"; "dsslaw@dsslawyers.com"; "pmcmanamon@penn.com"; "mtb@bwlaw120.com"; "cjz@zwick-law.com"; "dzagurskie@juniataco.org"; "RuggieroF@lackawannacounty.org"; "Fredericksond@lackawannacounty.org"; "jepfursich@co.lancaster.pa.us"; "tleslie@co.lawrence.pa.us"; "warner@buzgondavis.com"; "dmbesq@ptd.net"; "Romilda.Crocamo@luzernecounty.org"; "dsmith@mcclaw.com"; "theclarkefirm@yahoo.com"; "wjmpc1@gmail.com"; "ssnook@bmzlaw.com"; "john@matergiadunn.com"; "jstein1@montcopa.org"; "jnewcome@montcopa.org"; "info@mmdplaw.com"; "mrudas@northamptoncounty.org"; "fwgarrigan@gmail.com"; "wrb@pa.net"; "cweed@kfblawoffice.com"; "tom@410ross.com"; "clawoff@hotmail.com"; "mpbarbera@barberalaw.com"; "krllaw@epix.net"; "cgabriel@cfwwg.com"; "jdewald@mpvhlaw.com"; "rwinkler@zoominternet.net"; "contact@theschmidtlawfirm.com"; "jggrimm@vorys.com"; "wkay@waynecountypa.gov"; "solicitor@co.westmoreland.pa.us"; "krllaw@epix.net"; "plitwin@epix.net"; "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "mmudd@adamscounty.us"; "aszefi@alleghenycounty.us"; "aopsitnick@opsitnickslaw.com"; "nkarn@blairco.org"; "amfitzpatrick@buckscounty.org"; "ddgrieser@buckscounty.org"; "nforzato@chesco.org"; "cfrens@chesco.org"; "NMCentrella@duanemorris.com"; "JMParks@duanemorris.com"; "maronchick@hangle.com"; "Rsantee@northamptoncounty.org"; "Mvargo@northamptoncounty.org"; "jdewald@mpvhlaw.com"  
**Cc:** "Jonathan Goldstein"; "Britain Henry"; "Gore, John M."; "Kathleen Gallagher"; "Russell Giancola"; "tking@dmkcq.com"; "tbreth@dmkcq.com"; "msowardsnewton@jonesday.com"; "scrosland@jonesday.com"; "jmasterman@cooperkirk.com"; Donald Frederickson; Summerson, Ashlee M.  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 5:32:07 PM  
**Attachments:** image001.png

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**# External Email #**

All –

Please see the responses to the below questions for Lackawanna County (in red).

Please let us know if you have any questions.

Thank you.

<b>Elizabeth (Betsy) A. Dupuis (she/her/hers)</b> Attorney at Law <a href="mailto:bdupuis@babstcalland.com">bdupuis@babstcalland.com</a>	
	330 Innovation Blvd., Suite 302 State College, PA 16803 O 814.867.8055 D 814.235.8421 C 814.883.4117 F 814.867.8051 <a href="http://www.babstcalland.com">www.babstcalland.com</a>

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**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us'

'mmudd@adamscounty.us'; 'andrew.szefi@allegHENYcounty.us'  
<andrew.szefi@allegHENYcounty.us>; 'aopsitnick@opsitnickslaw.com'  
<aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov'  
<gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov'  
<nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net'  
<dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>;  
'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org'  
<nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>;  
'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us'  
<WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>;  
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<dam@gmlawoffices.com>; Dupuis, Betsy <BDupuis@babstcalland.com>; 'nforzato@chesco.org'  
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<Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com'  
<ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net'  
<solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>;  
'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbkllaw.com'  
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'attorneys@sbgllawoffice.com' <attorneys@sbgllawoffice.com>;  
'Jerrolsulcove@blackanddavisson.com' <Jerrolsulcove@blackanddavisson.com>;  
'dsslaw@dssllywers.com' <dsslaw@dssllywers.com>; 'pmcmanamon@penn.com'  
<pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com'  
<cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>;  
'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>;  
'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>;  
'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us'  
<tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>;  
'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org'  
<Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>;  
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<wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com'  
<john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>;  
'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com'  
<info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>;  
'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>;  
'cweed@kfblawoffice.com' <cweed@kfblawoffice.com>; 'tom@410ross.com' <tom@410ross.com>;  
'clawoff@hotmail.com' <clawoff@hotmail.com>; 'mpbarbera@barberalaw.com'  
<mpbarbera@barberalaw.com>; 'krllaw@epix.net' <krllaw@epix.net>; 'cgabriel@cfwwg.com'  
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'rwinkler@zoominternet.net' <rwinkler@zoominternet.net>; 'contact@theschmidtllawfirm.com'  
<contact@theschmidtllawfirm.com>; 'jpgrimm@vorys.com' <jpgrimm@vorys.com>;  
'wkay@waynecountypa.gov' <wkay@waynecountypa.gov>; 'solicitor@co.westmoreland.pa.us'  
<solicitor@co.westmoreland.pa.us>; 'krllaw@epix.net' <krllaw@epix.net>; 'plitwin@epix.net'  
<plitwin@epix.net>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov'  
<mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>;

'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'aszefi@allegHENYcounty.us'  
<aszefi@allegHENYcounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>;  
'nkarn@blairco.org' <nkarn@blairco.org>; 'amfitzpatrick@buckscounty.org'  
<amfitzpatrick@buckscounty.org>; 'ddgrieser@buckscounty.org' <ddgrieser@buckscounty.org>;  
'nforzato@chesco.org' <nforzato@chesco.org>; 'cfrens@chesco.org' <cfrens@chesco.org>;  
'NMCentrella@duanemorris.com' <NMCentrella@duanemorris.com>; 'JMParks@duanemorris.com'  
<JMParks@duanemorris.com>; 'maronchick@hangleY.com' <maronchick@hangleY.com>;  
'Rsantee@northamptoncounty.org' <Rsantee@northamptoncounty.org>;  
'Mvargo@northamptoncounty.org' <Mvargo@northamptoncounty.org>; 'jdewald@mpvhlaw.com'  
<jdewald@mpvhlaw.com>

**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>;  
'Gore, John M.' <jmgore@jonesday.com>; 'Kathleen Gallagher' <kag@glawfirm.com>; 'Russell  
Giancola' <rdg@glawfirm.com>; 'tking@dmkcq.com' <tking@dmkcq.com>; 'tbreth@dmkcq.com'  
<tbreth@dmkcq.com>; 'msowardsnewton@jonesday.com' <msowardsnewton@jonesday.com>;  
'scrosland@jonesday.com' <scrosland@jonesday.com>; 'jmasterman@cooperkirk.com'  
<jmasterman@cooperkirk.com>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

ATTENTION: Email sent from outside Babst Calland.

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes. Standard office practice – all mail received the office is date and time stamped.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **No.**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **Yes**.
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **Yes**.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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**End of notice**

**From:** [Pfursich, Jacquelyn E](#)  
**To:** [Hicks, Ronald L., Jr.](#)  
**Cc:** [Miller, Christa](#); [Melvin Newcomer](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 12:32:54 PM  
**Attachments:** [image001.png](#)

---

**#External Email#**

Good afternoon,

Please see the responses to your inquires below.

Regards,

Jacquelyn E. Pfursich

Lancaster County Solicitor

150 N. Queen Street Suite #714

Lancaster, PA 17603

717-209-3208

Fax 717-293-7208

[jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us)



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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@allegHENYcounty.us' <[andrew.szefi@allegHENYcounty.us](mailto:andrew.szefi@allegHENYcounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cshnee@countyofberks.com' <[cshnee@countyofberks.com](mailto:cshnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com'

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**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>; 'Gore, John M.' <jmgore@jonesday.com>; 'Kathleen Gallagher' <kag@glawfirm.com>; 'Russell Giancola' <rdg@glawfirm.com>; 'tking@dmkcq.com' <tking@dmkcq.com>; 'tbreth@dmkcq.com' <tbreth@dmkcq.com>; 'msowardsnewton@jonesday.com' <msowardsnewton@jonesday.com>;



'scrosland@jonesday.com' <scrosland@jonesday.com>; 'jmasterman@cooperkirk.com' <jmasterman@cooperkirk.com>

**Subject:** [EXTERNAL] McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **It has always been the policy of Lancaster County to date stamped mail-in or absentee ballots.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Yes**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **84**
  - b. Contained an incorrect or incomplete date? **0**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **No**
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? **No**
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020;

and Lancaster County can neither confirm or deny receipt of this document. By way of further explanation, the guidance provided by DOS on September 11, 2020 predates the tenure of the current Lancaster County Chief Register of Voter Registration.

- b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **Yes**

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio / RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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This message may be protected by the attorney-client privilege. If you believe that it has been sent to you in error, do not read, print or forward it. Please reply to the sender that you have received the message in error. Then delete it. Thank you.

**End of notice**

**From:** [Pfursich, Jacquelyn E](#)  
**To:** [Russell Giancola](#); [Hicks, Ronald L., Jr.](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 2:31:39 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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**#External Email#**

Please see below.

Jacquelyn E. Pfursich  
Lancaster County Solicitor  
150 N. Queen Street Suite #714  
Lancaster, PA 17603  
717-209-3208  
Fax 717-293-7208  
[jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us)



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**From:** Russell Giancola <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>

**Sent:** Thursday, May 26, 2022 2:23 PM

**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>; 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@allegHENYcounty.us' <[andrew.szefi@allegHENYcounty.us](mailto:andrew.szefi@allegHENYcounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cschnee@countyofberks.com' <[cschnee@countyofberks.com](mailto:cschnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>;

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**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>; 'Gore, John M.' <jmgore@jonesday.com>; Kathleen Gallagher <kag@glawfirm.com>; 'tking@dmkcq.com' <tking@dmkcq.com>; 'tbreth@dmkcq.com' <tbreth@dmkcq.com>; 'msowardsnewton@jonesday.com' <msowardsnewton@jonesday.com>; 'scrosland@jonesday.com' <scrosland@jonesday.com>; 'jmasterman@cooperkirk.com' <jmasterman@cooperkirk.com>

**Subject:** [EXTERNAL] RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Solicitors and counsel:

I write on behalf of Doctor Oz for Senate and Dr. Mehmet Oz. As a supplement to the questions asked by Mr. Hicks, and for use in the stipulations to be filed with the Commonwealth Court, we request that you also answer the following in connection with Question 5(a) below (the underlined portion constitutes additional questions added to Mr. Hicks's original inquiry):

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **No**

a. If your answer to this questions [sic] is in the affirmative, then:

i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or

ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?

iii. How many such ballots were for the Republican primary election?

iv. How many such ballots included a vote for Mehmet Oz for United States Senate?

v. How many such ballots included a vote for Dave McCormick for United States Senate?

Please let us know if you have any questions. We appreciate your prompt responses.

Best regards,

**Russell D. Giancola**

Gallagher Giancola LLC

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@allegHENYcounty.us' <[andrew.szefi@allegHENYcounty.us](mailto:andrew.szefi@allegHENYcounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cscHnee@countyofberks.com' <[cscHnee@countyofberks.com](mailto:cscHnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>;

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**Cc:** 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>; 'Gore, John M.' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>; Kathleen Gallagher <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; Russell Giancola <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>; 'tking@dmkcq.com' <[tking@dmkcq.com](mailto:tking@dmkcq.com)>; 'tbreth@dmkcq.com'

<[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>;  
'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; 'jmasterman@cooperkirk.com'  
<[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020;

and  
b. Pennsylvania Department of State's Guidance Concerning Examination of  
Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m.  
EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio / RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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**From:** David Warner  
**To:** Fitzpatrick, Amy M.; Russell Giancola; Hicks, Ronald L., Jr.; "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "kromano@attorneygeneral.gov"; "mmudd@adamscounty.us"; "andrew.szefi@alleghenycounty.us"; "aopsitnick@opsitnickslaw.com"; "gfedeles@beavercountypa.gov"; "nmorgan@beavercountypa.gov"; "dcrabtree.kclaw@comcast.net"; "csadler@countyofberks.com"; "cshnee@countyofberks.com"; "nkarn@blairco.org"; "Jonathan.Jr@fosterslawfirm.com"; "VWhite@co.butler.pa.us"; "wgbarbin@atlanticbb.net"; "ewtompkinslaw@gmail.com"; "dam@gmlawoffices.com"; "bdupuis@babstcalland.com"; "nforzato@chesco.org"; "cgabriel@cfwwg.com"; "Info@Varilaw.com"; "lec@crwlaw.net"; "ajm@mmkllp.com"; "kbutton@shaferlaw.com"; "solicitor@ccpa.net"; "jcurcillo@dauphincounty.gov"; "martinw@co.delaware.pa.us"; "twagner@mwbklaw.com"; "jackpurcell146@gmail.com"; "attorneys@sbglawoffice.com"; "Jerroldsulcove@blackanddavisson.com"; "dsslaw@dsslawyers.com"; "pmcmanamon@penn.com"; "mtb@bwlaw120.com"; "cjz@zwick-law.com"; "dzagurskie@juniataco.org"; "RuggieroF@lackawannacounty.org"; "Fredericksond@lackawannacounty.org"; "jepfursich@co.lancaster.pa.us"; "tleslie@co.lawrence.pa.us"; "dmbesq@ptd.net"; "Romilda.Crocamo@luzernecounty.org"; "dsmith@mcclaw.com"; "theclarkefirm@yahoo.com"; "wjmpc1@gmail.com"; "ssnook@bmzlaw.com"; "john@matergiadunn.com"; "jstein1@montcopa.org"; "pnewcome@montcopa.org"; "info@mmdplaw.com"; "mrudas@northamptoncounty.org"; "fwgarrigan@gmail.com"; "wrb@pa.net"; "cweed@kfblawoffice.com"; "tom@410ross.com"; "clawoff@hotmail.com"; "mpbarbera@barberlaw.com"; "krllaw@epix.net"; "cgabriel@cfwwg.com"; "jdewald@mpvhlaw.com"; "rwinkler@zoominternet.net"; "contact@theschmidtlawfirm.com"; "jprgrim@vorys.com"; "wkay@waynecountypa.gov"; "solicitor@co.westmoreland.pa.us"; "krllaw@epix.net"; "plitwin@epix.net"; "tgates@pa.gov"; "mfischer@attorneygeneral.gov"; "jboyer@attorneygeneral.gov"; "mmudd@adamscounty.us"; "aszefi@alleghenycounty.us"; "aopsitnick@opsitnickslaw.com"; "nkarn@blairco.org"; Grieser, Daniel D.; "nforzato@chesco.org"; "cfrens@chesco.org"; "NMCentrella@duanemorris.com"; "JMParks@duanemorris.com"; "maronchick@hanglely.com"; "Rsantee@northamptoncounty.org"; "Mvargo@northamptoncounty.org"; "jdewald@mpvhlaw.com"  
**Cc:** "Jonathan Goldstein"; "Britain Henry"; "Gore, John M."; Kathleen Gallagher; "tking@dmkcg.com"; "tbreth@dmkcg.com"; "msowardsnewton@jonesday.com"; "scrosland@jonesday.com"; "jmasterman@cooperkirk.com"  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 3:50:33 PM  
**Attachments:** image001.png

## #External Email#

Lebanon County response

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **When Absentee or Mail-In Ballots are received into the Lebanon County Elections Office it has always been policy to date stamp ballots as received.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **YES**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **YES**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **10 BALLOTS**

- b. Contained an incorrect or incomplete date? **0 BALLOTS**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **YES**
- a. If your answer to this question is in the affirmative, then:
- i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **NO**
  - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **YES**
- b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **YES**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **We will on Friday 5/27**
- a. If your answer to this questions [sic] is in the affirmative, then:
- i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **NO**
  - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **They will be**
  - iii. How many such ballots were for the Republican primary election? **3**
  - iv. How many such ballots included a vote for Mehmet Oz for United States Senate? **Not yet determined**
  - v. How many such ballots included a vote for Dave McCormick for United States Senate? **Not yet determined**

---

**From:** Russell Giancola <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>

**Sent:** Thursday, May 26, 2022 2:23 PM

**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>; 'tgate@pa.gov' <[tgate@pa.gov](mailto:tgate@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@alleghenycounty.us' <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cshnee@countyofberks.com' <[cshnee@countyofberks.com](mailto:cshnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>;

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'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>; 'martinw@co.delaware.pa.us' <[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)>; 'twagner@mwbklaw.com' <[twagner@mwbklaw.com](mailto:twagner@mwbklaw.com)>; 'jackpurcell146@gmail.com' <[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com)>; 'attorneys@sbgilawoffice.com' <[attorneys@sbgilawoffice.com](mailto:attorneys@sbgilawoffice.com)>; 'Jerrolsulcove@blackanddavis.com' <[Jerrolsulcove@blackanddavis.com](mailto:Jerrolsulcove@blackanddavis.com)>; 'dsslw@dsslwlawyers.com' <[dsslw@dsslwlawyers.com](mailto:dsslw@dsslwlawyers.com)>; 'pmcmanamon@penn.com' <[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com)>; 'mtb@bwlaw120.com' <[mtb@bwlaw120.com](mailto:mtb@bwlaw120.com)>; 'cjz@zwick-law.com' <[cjz@zwick-law.com](mailto:cjz@zwick-law.com)>; 'dzagurskie@juniataco.org' <[dzagurskie@juniataco.org](mailto:dzagurskie@juniataco.org)>; 'RuggieroF@lackawannacounty.org' <[RuggieroF@lackawannacounty.org](mailto:RuggieroF@lackawannacounty.org)>; 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'pnewcome@montcopa.org' <[pnewcome@montcopa.org](mailto:pnewcome@montcopa.org)>; 'info@mmdplaw.com' <[info@mmdplaw.com](mailto:info@mmdplaw.com)>; 'mrudas@northamptoncounty.org' <[mrudas@northamptoncounty.org](mailto:mrudas@northamptoncounty.org)>; 'fwgarrigan@gmail.com' <[fwgarrigan@gmail.com](mailto:fwgarrigan@gmail.com)>; 'wrb@pa.net' <[wrb@pa.net](mailto:wrb@pa.net)>; 'cweed@kfblawoffice.com' <[cweed@kfblawoffice.com](mailto:cweed@kfblawoffice.com)>; 'tom@410ross.com' <[tom@410ross.com](mailto:tom@410ross.com)>; 'clawoff@hotmail.com' <[clawoff@hotmail.com](mailto:clawoff@hotmail.com)>; 'mpbarbera@barberalaw.com' <[mpbarbera@barberalaw.com](mailto:mpbarbera@barberalaw.com)>; 'krllaw@epix.net' <[krllaw@epix.net](mailto:krllaw@epix.net)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'jdewald@mpvhlaw.com' <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>; 'rwinkler@zoominternet.net' <[rwinkler@zoominternet.net](mailto:rwinkler@zoominternet.net)>; 'contact@theschmidtlawfirm.com' <[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)>; 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**Cc:** 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>;  
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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

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**\*EXTERNAL\***

Solicitors and counsel:

I write on behalf of Doctor Oz for Senate and Dr. Mehmet Oz. As a supplement to the questions asked by Mr. Hicks, and for use in the stipulations to be filed with the Commonwealth Court, we request that you also answer the following in connection with Question 5(a) below (the underlined portion constitutes additional questions added to Mr. Hicks's original inquiry):

6. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this questions [sic] is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
    - iii. How many such ballots were for the Republican primary election? [42 Undated ballots.](#)
    - iv. How many such ballots included a vote for Mehmet Oz for United States Senate? [8 Undated ballots.](#)
    - v. How many such ballots included a vote for Dave McCormick for United States Senate? [11 Undated ballots.](#)

Please let us know if you have any questions. We appreciate your prompt responses.

Best regards,

**Russell D. Giancola**

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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:



- i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
- ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
- b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
- 6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

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**Cc:** 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>;  
'tking@dmkcg.com' <[tking@dmkcg.com](mailto:tking@dmkcg.com)>; 'tbreth@dmkcg.com' <[tbreth@dmkcg.com](mailto:tbreth@dmkcg.com)>;  
'jmasterman@cooperkirk.com' <[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>  
**Subject:** #EXT# Re: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**#External Email#**

Dear Mr. Hicks:

As noted in the attached email of Denise Williams, Chair of the Luzerne County Board of Elections and Registration ("Board"), this Board is "following the directive of the PA Department of State of May 24, 2022 regarding the canvassing and counting of the mail-in and absentee ballots from the May 17, 2022 Primary Election." The Board takes no position otherwise regarding this litigation or any request for intervention.

If you have any questions, please do not hesitate to contact me.

Joseph M Cosgrove\*  
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\*retired judge of Commonwealth Court  
and the Court of Common Pleas of the 11<sup>th</sup> Judicial District

\*\*\*\*\*

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Thursday, May 26, 2022 8:25:31 PM

**To:** 'Jonathan.Jr@fosterslawfirm.com'; 'WWhite@co.butler.pa.us'; 'wgbarbin@atlanticbb.net'; 'ewtompkinslaw@gmail.com'; 'lec@crwlaw.net'; 'solicitor@ccpa.net'; 'twagner@mwbklaw.com'; 'attorneys@sbgglawoffice.com'; 'jim@dsslawyers.com'; 'ssnook@bmzlaw.com'; 'fxoconnor@frontiernet.net'; 'wkay@waynecountypa.gov'; 'tgates@pa.gov'; 'mfischer@attorneygeneral.gov'; 'jboyer@attorneygeneral.gov'; 'mmudd@adamscounty.us'; 'aszefi@allegHENYcounty.us'; 'aopsitnick@opsitnickslaw.com'; 'ckauffman@countyofberks.com'; 'nkarn@blairco.org'; 'amfitzpatrick@buckscounty.org'; 'ddgrieser@buckscounty.org'; 'jvanderkam@stuckertyates.com'; 'nforzato@chesco.org'; 'cfrens@chesco.org'; 'cgabriel@cfwwg.com'; 'kbutton@shaferlaw.com'; 'NMCentrella@duanemorris.com'; 'JMParks@duanemorris.com'; 'elliottsulcove@blackanddavisson.com'; 'bdupuis@babstcalland.com'; 'skeegan@babstcalland.com'; 'ajewart@babstcalland.com'; 'bdupuis@babstcalland.com'; 'skeegan@babstcalland.com'; 'ajewart@babstcalland.com'; 'bdupuis@babstcalland.com'; 'skeegan@babstcalland.com'; 'ajewart@babstcalland.com'; 'dzagurskie@juniataco.org'; 'bdupuis@babstcalland.com'; 'skeegan@babstcalland.com'; 'ajewart@babstcalland.com'; 'melvinn@epix.net'; Joseph Cosgrove; 'avclarke@mckeancountypa.org'; 'maronchick@hangleyle.com'; 'Rsantee@northamptoncounty.org'; 'Mvargo@northamptoncounty.org'; 'bdupuis@babstcalland.com'; 'skeegan@babstcalland.com'; 'ajewart@babstcalland.com'; 'flavery@laverylaw.com'; 'anorfleet@laverylaw.com'; 'cgabriel@cfwwg.com'; 'jdewald@mpvhlaw.com'; 'wkay@waynecountypa.gov'; 'mguidy@co.westmoreland.pa.us'; 'tking@dmkcg.com'; 'tbreth@dmkcg.com'; 'kag@glawfirm.com'; 'rdg@glawfirm.com'; 'jmgore@jonesday.com'; 'msowardsnewton@jonesday.com'; 'scrosland@jonesday.com'

**Cc:** 'Jonathan Goldstein'; 'Britain Henry'; 'Gore, John M.'; 'Kathleen Gallagher'; 'Russell Giancola'; 'tking@dmkcg.com'; 'tbreth@dmkcg.com'; 'msowardsnewton@jonesday.com'; 'scrosland@jonesday.com'; 'jmasterman@cooperkirk.com'

**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Good evening, Solicitors and Counsel.

Thank you for your responses. If you have not responded to the below message or the one sent by Dr. Oz's attorneys, we ask that you please do so before 10:00 p.m. this evening.

Also, we are assimilating the information that has been provided to date and will send out tomorrow morning by 9:00 a.m. a draft fact stipulation. Your prompt response or comments to this stipulation will be much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

Bio / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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---

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@alleghenycounty.us' <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cschnee@countyofberks.com' <[cschnee@countyofberks.com](mailto:cschnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>; 'martinw@co.delaware.pa.us' <[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)>; 'twagner@mwbkllaw.com' <[twagner@mwbkllaw.com](mailto:twagner@mwbkllaw.com)>; 'jackpurcell146@gmail.com' <[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com)>; 'attorneys@sbglawoffice.com' <[attorneys@sbglawoffice.com](mailto:attorneys@sbglawoffice.com)>; 'Jerrolsulcove@blackanddavis.com' <[Jerrolsulcove@blackanddavis.com](mailto:Jerrolsulcove@blackanddavis.com)>; 'dsslw@dsslwlaw.com' <[dsslw@dsslwlaw.com](mailto:dsslw@dsslwlaw.com)>; 'pmcmanamon@penn.com' <[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com)>; 'mtb@bwlaw120.com' <[mtb@bwlaw120.com](mailto:mtb@bwlaw120.com)>; 'cjz@zwick-law.com' <[cjz@zwick-law.com](mailto:cjz@zwick-law.com)>; 'dzagurskie@juniataco.org' <[dzagurskie@juniataco.org](mailto:dzagurskie@juniataco.org)>; 'RuggieroF@lackawannacounty.org' <[RuggieroF@lackawannacounty.org](mailto:RuggieroF@lackawannacounty.org)>; 'Fredericksond@lackawannacounty.org' <[Fredericksond@lackawannacounty.org](mailto:Fredericksond@lackawannacounty.org)>; 'jepfursich@co.lancaster.pa.us' <[jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us)>; 'tleslie@co.lawrence.pa.us' <[tleslie@co.lawrence.pa.us](mailto:tleslie@co.lawrence.pa.us)>; 'warner@buzgondavis.com' <[warner@buzgondavis.com](mailto:warner@buzgondavis.com)>; 'dmbesq@ptd.net' <[dmbesq@ptd.net](mailto:dmbesq@ptd.net)>; 'Romilda.Crocamo@luzernecounty.org' <[Romilda.Crocamo@luzernecounty.org](mailto:Romilda.Crocamo@luzernecounty.org)>; 'dsmith@mcclaw.com' <[dsmith@mcclaw.com](mailto:dsmith@mcclaw.com)>; 'thecclarkefirm@yahoo.com' <[thecclarkefirm@yahoo.com](mailto:thecclarkefirm@yahoo.com)>; 'wjmpc1@gmail.com' <[wjmpc1@gmail.com](mailto:wjmpc1@gmail.com)>; 'ssnook@bmzlaw.com' <[ssnook@bmzlaw.com](mailto:ssnook@bmzlaw.com)>; 'john@matergiadunn.com' <[john@matergiadunn.com](mailto:john@matergiadunn.com)>; 'jstein1@montcopa.org' <[jstein1@montcopa.org](mailto:jstein1@montcopa.org)>; 'pnewcome@montcopa.org' <[pnewcome@montcopa.org](mailto:pnewcome@montcopa.org)>; 'info@mmdplaw.com'

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**Cc:** 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>;  
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<[tbreth@dmkcq.com](mailto:tbreth@dmkcq.com)>; 'msowardsnewton@jonesday.com' <[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>;  
'scrosland@jonesday.com' <[scrosland@jonesday.com](mailto:scrosland@jonesday.com)>; 'jmasterman@cooperkirk.com'  
<[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,

- i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
  - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**END OF NOTICE**

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**From:** Jennifer Keiser <[jkeiser@mcclaw.com](mailto:jkeiser@mcclaw.com)>  
**Sent:** Friday, May 27, 2022 10:06 AM  
**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Cc:** J. David Smith <[dsmith@mcclaw.com](mailto:dsmith@mcclaw.com)>  
**Subject:** #EXT# FW: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**#External Email#**

Dear Attorney Hicks,



As solicitors for Lycoming County, the Lycoming County Board of Elections responds to your questions in red below:

Questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?  
**YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **Date/time stamping was performed in real time as each ballot was physically received in the office.**
  - b. If your answer to Question 1 is in the negative, **N/A**
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **YES**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **YES**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **2**
  - b. Contained an incorrect or incomplete date? **1**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **NO**
  - a. If your answer to this question is in the affirmative, then: **N/A**
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and

- reported them separately to the Department of State?
- b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? **Undetermined at this time.**
6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **YES**

**J. David Smith** | Partner



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JDS/jlk

**From:** "Hicks, Ronald L., Jr." <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Date:** May 25, 2022 at 7:29:45 PM EDT

**Subject: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)**

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?

- a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
- b. If your answer to Question 1 is in the negative,
  - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
  - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning

Examination of Absentee and Mail-In Ballot Return  
Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

6 PPG Place, Third Floor / Pittsburgh, PA 15222

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**From:** [Hoffman, Paula](#)  
**To:** [Steve Snook](#); [Hicks, Ronald L., Jr.](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 1:21:09 PM

---

**#External Email#**

Ronald,  
See below for answers.  
Thank you,

Paula

Paula Hoffman  
Voter Registration/Elections Director  
Voter Registration/Veteran Affairs Office  
20 North Wayne Street  
Lewistown, PA 17044  
Phone (717) 248-6571  
Fax (717) 242-5455  
[phoffman@mifflinco.org](mailto:phoffman@mifflinco.org)

---

**From:** Steve Snook <ssnook@bmzlaw.com>  
**Sent:** Wednesday, May 25, 2022 7:47 PM  
**To:** Hoffman, Paula <phoffman@mifflinco.org>  
**Subject:** Fwd: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**EXTERNAL EMAIL: Please use caution when opening attachments and links.**

Please print and answer these questions asap so I can respond . I'll be up tomorrow morning after the joint phone conference counties have with CCAP. Thanks!

Sent from my iPhone

Begin forwarded message:

**From:** "Hicks, Ronald L., Jr." <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Date:** May 25, 2022 at 7:29:44 PM EDT  
**To:** [tgates@pa.gov](mailto:tgates@pa.gov), [mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov), [jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov),  
[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov), [mmudd@adamscounty.us](mailto:mmudd@adamscounty.us),  
[andrew.szefi@allegHENYcounty.us](mailto:andrew.szefi@allegHENYcounty.us), [aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com),  
[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov), [nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov),  
[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net), [csadler@countyofberks.com](mailto:csadler@countyofberks.com),  
[cschnee@countyofberks.com](mailto:cschnee@countyofberks.com), [nkarn@blairco.org](mailto:nkarn@blairco.org), [Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com),  
[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org), [WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us), [wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net),  
[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com), [dam@gmlawoffices.com](mailto:dam@gmlawoffices.com), [bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com),  
[nforzato@chesco.org](mailto:nforzato@chesco.org), [cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com), [Info@varilaw.com](mailto:Info@varilaw.com), [lec@crwlaw.net](mailto:lec@crwlaw.net),  
[ajm@mmkllp.com](mailto:ajm@mmkllp.com), [kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com), [solicitor@ccpa.net](mailto:solicitor@ccpa.net),  
[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov), [martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us), [twagner@mwbkclaw.com](mailto:twagner@mwbkclaw.com),  
[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com), [attorneys@sbglawoffice.com](mailto:attorneys@sbglawoffice.com),  
[Jerroldsulcove@blackanddavisson.com](mailto:Jerroldsulcove@blackanddavisson.com), [dsllaw@dsllawyers.com](mailto:dsllaw@dsllawyers.com),  
[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com), [mtb@bwlaw120.com](mailto:mtb@bwlaw120.com), [cjz@zwick-law.com](mailto:cjz@zwick-law.com),  
[dzagurskie@juniataco.org](mailto:dzagurskie@juniataco.org), [RuggieroF@lackawannacounty.org](mailto:RuggieroF@lackawannacounty.org),

[Fredericksond@lackawannacounty.org](mailto:Fredericksond@lackawannacounty.org), [jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us),  
[tleslie@co.lawrence.pa.us](mailto:tleslie@co.lawrence.pa.us), [warner@buzgondavis.com](mailto:warner@buzgondavis.com), [dmbesq@ptd.net](mailto:dmbesq@ptd.net),  
[Romilda.Crocamo@luzernecounty.org](mailto:Romilda.Crocamo@luzernecounty.org), [dsmith@mcclaw.com](mailto:dsmith@mcclaw.com),  
[theclarkefirm@yahoo.com](mailto:theclarkefirm@yahoo.com), [wjmpc1@gmail.com](mailto:wjmpc1@gmail.com), Steve Snook <[ssnook@bmzlaw.com](mailto:ssnook@bmzlaw.com)>,  
[john@matergiadunn.com](mailto:john@matergiadunn.com), [jstein1@montcopa.org](mailto:jstein1@montcopa.org), [pnewcome@montcopa.org](mailto:pnewcome@montcopa.org),  
[info@mmdplaw.com](mailto:info@mmdplaw.com), [mrudas@northamptoncounty.org](mailto:mrudas@northamptoncounty.org), [fwgarrigan@gmail.com](mailto:fwgarrigan@gmail.com),  
[wrb@pa.net](mailto:wrb@pa.net), [cweed@kfblawoffice.com](mailto:cweed@kfblawoffice.com), [tom@410ross.com](mailto:tom@410ross.com), [clawoff@hotmail.com](mailto:clawoff@hotmail.com),  
[mpbarbera@barberalaw.com](mailto:mpbarbera@barberalaw.com), [krlaw@epix.net](mailto:krlaw@epix.net), [cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com),  
[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com), [rwinkler@zoominternet.net](mailto:rwinkler@zoominternet.net),  
[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com), [jggrimm@vorys.com](mailto:jggrimm@vorys.com), [wkay@waynecountypa.gov](mailto:wkay@waynecountypa.gov),  
[solicitor@co.westmoreland.pa.us](mailto:solicitor@co.westmoreland.pa.us), [krlaw@epix.net](mailto:krlaw@epix.net), [plitwin@epix.net](mailto:plitwin@epix.net), [tgates@pa.gov](mailto:tgates@pa.gov),  
[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov), [jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov),  
[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us), [aszefi@alleghenycounty.us](mailto:aszefi@alleghenycounty.us), [aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com),  
[nkarn@blairco.org](mailto:nkarn@blairco.org), [amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org), [ddgrieser@buckscounty.org](mailto:ddgrieser@buckscounty.org),  
[nforzato@chesco.org](mailto:nforzato@chesco.org), [cfrens@chesco.org](mailto:cfrens@chesco.org), [NMCentrella@duanemorris.com](mailto:NMCentrella@duanemorris.com),  
[JMParks@duanemorris.com](mailto:JMParks@duanemorris.com), [maronchick@hangley.com](mailto:maronchick@hangley.com),  
[RSantee@northamptoncounty.org](mailto:RSantee@northamptoncounty.org), [Mvargo@northamptoncounty.org](mailto:Mvargo@northamptoncounty.org),  
[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)

**Cc:** Jonathan Goldstein <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>, Britain Henry <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>, "Gore, John M." <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>, Kathleen Gallagher <[kag@glawfirm.com](mailto:kag@glawfirm.com)>, Russell Giancola <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>, [tking@dmkcq.com](mailto:tking@dmkcq.com), [tbreth@dmkcq.com](mailto:tbreth@dmkcq.com), [msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com), [scrosland@jonesday.com](mailto:scrosland@jonesday.com), [jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)

**Subject: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)**

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? *Yes*
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? *As soon as we received the first mail-in/absentee ballot was returned*
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?

2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? [Yes](#)
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? [Yes](#)
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or [7](#)
  - b. Contained an incorrect or incomplete date? [0](#)
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? [No](#)
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? [We will be canvassing those Ballots on Tuesday, May 31, 2022 at 9:00 a.m. in Meeting Room B on 2<sup>nd</sup> floor of the Mifflin County Courthouse which is located at 20 N. Wayne St, Lewistown.](#)
6. Did You receive copies of the following guidance: [Yes](#)
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP



[Bio / RHicks@porterwright.com](#)

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**From:** Marlatt, John <[JMarlatt@montcopa.org](mailto:JMarlatt@montcopa.org)>

**Sent:** Thursday, May 26, 2022 2:46 PM

**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022) - Montgomery County Response to Questions

**#External Email#**

Mr. Hicks:

Please see The Montgomery County Board of Elections responses to your questions in red below:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **It has always been our process.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes**
3. If your answer to Question 2 is in the affirmative, have you segregated the

absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **We segregated all undated ballots.**

4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **198**
  - b. Contained an incorrect or incomplete date? **0**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **Yes**
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **No**
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **Yes**
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **Yes**
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **Yes**

Thank you,

John Marlatt

Montgomery County Solicitor's Office

ATTACHED IN RED ARE THE RESPONSES FOR PERRY COUNTY – MAY 27, 2022

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court’s May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, “You”) the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes.**  
**Standard office practice – all mail received the office is date stamped.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **Standard procedure with all mail 50 years or more.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes. We received one Democrat primary ballot that was missing a date.**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Yes**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or  
**One which was a Democrat primary vote.**
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **No.**
  - a. If your answer to this question is in the affirmative, then:

- i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **Yes.**
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **Yes.**

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

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**END OF NOTICE**

**From:** [Thomas Shaffer](#)  
**To:** [Hicks, Ronald L., Jr.](#)  
**Cc:** [Sandy Lewis](#); "[Nancy Grupp](#)"; [Heimel, Paul W](#); [Barry Hayman](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 1:57:43 PM

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**#External Email#**

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Mr. Hicks:

Below in red are Potter County Board of Elections answers to your questions. As for questions 3-5 as indicated to you previously, Potter County did not have ANY "undated" ballots.

Thanks,

Thomas R. Shaffer

Attorney at Law

410 Ross Street

Coudersport, PA 16915

Phone: 814-203-1678

[tom@410ross.com](mailto:tom@410ross.com)

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **We have always date stamped ballots when they come in**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **NO**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or

- mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
    - a. Missing a voter-provided date; or
    - b. Contained an incorrect or incomplete date?
  5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
    - a. If your answer to this question is in the affirmative, then:
      - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
      - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
    - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
  6. Did You receive copies of the following guidance:
    - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
    - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,



**From:** Dupuis, Betsy <[BDupuis@babstcalland.com](mailto:BDupuis@babstcalland.com)>  
**Sent:** Friday, May 27, 2022 10:41 AM  
**To:** Caleb Shaffer <[cshaffer@snydercounty.org](mailto:cshaffer@snydercounty.org)>; Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Cc:** [acrouse@adamscounty.us](mailto:acrouse@adamscounty.us); [david.voye@alleghenycounty.us](mailto:david.voye@alleghenycounty.us); [mbkuznik@co.armstrong.pa.us](mailto:mbkuznik@co.armstrong.pa.us); [csisk@beavercountypa.gov](mailto:csisk@beavercountypa.gov); [dbrown@bedfordcountypa.org](mailto:dbrown@bedfordcountypa.org); [elections@countyofberks.com](mailto:elections@countyofberks.com); [sseymour@blairco.org](mailto:sseymour@blairco.org); [smithkorsr@bradfordco.org](mailto:smithkorsr@bradfordco.org); [elections@buckscounty.org](mailto:elections@buckscounty.org); [APRICE@CO.BUTLER.PA.US](mailto:APRICE@CO.BUTLER.PA.US); [mdillon@co.cambria.pa.us](mailto:mdillon@co.cambria.pa.us); [mlupro@cameroncountypa.com](mailto:mlupro@cameroncountypa.com); [lisadart@carboncounty.net](mailto:lisadart@carboncounty.net); [elections@centrecountypa.gov](mailto:elections@centrecountypa.gov); [ccelectionofficials@chesco.org](mailto:ccelectionofficials@chesco.org); [cclihan@co.clarion.pa.us](mailto:cclihan@co.clarion.pa.us); 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**Subject:** #EXT# RE: May 17, 2022 Primary Statutory Recount and Recanvass

### #External Email#

Please see attached Lackawanna's responses to the questions addressed below.

Thank you.

<p><b>Elizabeth (Betsy) A. Dupuis (she/her/hers)</b> Attorney at Law <a href="mailto:bdupuis@babstcalland.com">bdupuis@babstcalland.com</a></p> <p><b>Babst Calland</b> Attorneys at Law</p>	<p>330 Innovation Blvd., Suite 302 State College, PA 16803 O 814.867.8055 D 814.235.8421 C 814.883.4117 F 814.867.8051 <a href="http://www.babstcalland.com">www.babstcalland.com</a></p>
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**From:** Caleb Shaffer <[cshaffer@snydercounty.org](mailto:cshaffer@snydercounty.org)>

**Sent:** Friday, May 27, 2022 10:37 AM

**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Cc:** [acrouse@adamscounty.us](mailto:acrouse@adamscounty.us); [david.voye@alleghenycounty.us](mailto:david.voye@alleghenycounty.us); [mbkuznik@co.armstrong.pa.us](mailto:mbkuznik@co.armstrong.pa.us); [csisk@beavercountypa.gov](mailto:csisk@beavercountypa.gov); [dbrown@bedfordcountypa.org](mailto:dbrown@bedfordcountypa.org); [elections@countyofberks.com](mailto:elections@countyofberks.com); [sseymour@blairco.org](mailto:sseymour@blairco.org); [smithkorsr@bradfordco.org](mailto:smithkorsr@bradfordco.org); [elections@buckscounty.org](mailto:elections@buckscounty.org); [APRICE@CO.BUTLER.PA.US](mailto:APRICE@CO.BUTLER.PA.US); [mdillon@co.cambria.pa.us](mailto:mdillon@co.cambria.pa.us); [mlupro@cameroncountypa.com](mailto:mlupro@cameroncountypa.com); [lisadart@carboncounty.net](mailto:lisadart@carboncounty.net); [elections@centrecountypa.gov](mailto:elections@centrecountypa.gov); [ccelectionofficials@chesco.org](mailto:ccelectionofficials@chesco.org); [ccallihan@co.clarion.pa.us](mailto:ccallihan@co.clarion.pa.us); [elections@clearfieldco.org](mailto:elections@clearfieldco.org); [mboileau@clintoncountypa.gov](mailto:mboileau@clintoncountypa.gov); [mrepasky@columbiapa.org](mailto:mrepasky@columbiapa.org); [jmcfarland@co.crawford.pa.us](mailto:jmcfarland@co.crawford.pa.us); [bureauofelections@ccpa.net](mailto:bureauofelections@ccpa.net); [jfeaser@dauphinc.org](mailto:jfeaser@dauphinc.org); [DelcoElection@co.delaware.pa.us](mailto:DelcoElection@co.delaware.pa.us); [kfrey@countyofelkpa.com](mailto:kfrey@countyofelkpa.com); [tfernandez@eriecountypa.gov](mailto:tfernandez@eriecountypa.gov); [mbkuznik@fayettepa.org](mailto:mbkuznik@fayettepa.org); [jahitchcock@co.forest.pa.us](mailto:jahitchcock@co.forest.pa.us); [jbeyers@franklincountypa.gov](mailto:jbeyers@franklincountypa.gov); [electionsdirector@co.fulton.pa.us](mailto:electionsdirector@co.fulton.pa.us); [elections@co.greene.pa.us](mailto:elections@co.greene.pa.us);

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[cmiller@co.lancaster.pa.us](mailto:cmiller@co.lancaster.pa.us); [lcvote@co.lawrence.pa.us](mailto:lcvote@co.lawrence.pa.us); [manderson@lebcnty.org](mailto:manderson@lebcnty.org);  
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**Subject:** Re: May 17, 2022 Primary Statutory Recount and Recanvass

ATTENTION: Email sent from outside Babst Calland.

Snyder County's response below:

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth?

Wednesday, June 1, 2022 at 10:00 AM

2. What is the full street address where the recount and recanvass will be held?

9 West Market Street, Middleburg, Pennsylvania 17842

3. How many representatives or attorneys can attend for each US Senatorial campaign?

2 Representatives & Candidate or Attorney

4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass?

Written statement on appropriate letterhead authorizing them on behalf of the Campaign

Caleb M. Shaffer, Director of Elections  
Snyder County Board of Elections  
9 West Market St., PO Box 217  
Middleburg, PA 17842  
P: 570-837-4286  
F: 570-837-4282  
[cshaffer@snydercounty.org](mailto:cshaffer@snydercounty.org)



On Wed, May 25, 2022 at 5:04 PM Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)> wrote:

Dear Sir and Madam,

As counsel for Dave McCormick for U.S. Senate and its candidate, David H. McCormick, I am writing to request the following information from each of your County Boards of Elections:

1. On what day and time are you performing the recount and recanvass to be ordered by the Secretary of the Commonwealth?
2. What is the full street address where the recount and recanvass will be held?
3. How many representatives or attorneys can attend for each US Senatorial campaign?
4. What certification documents or other requirements are being imposed upon the representatives or attorneys in order to attend the recount and recanvass?

Your prompt response by reply email is much appreciated. I've included Mr. Oz's counsel on this message.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

6 PPG Place, Third Floor / Pittsburgh, PA 15222

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**END OF NOTICE**

**From:** [Michael P. Barbera, Esq.](#)  
**To:** [Russell Giancola](#); [Hicks, Ronald L., Jr.](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["kromano@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["andrew.szefi@alleghenycounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["gfedeles@beavercountypa.gov"](#); ["nmorgan@beavercountypa.gov"](#); ["dcrabtree.kclaw@comcast.net"](#); ["csadler@countyofberks.com"](#); ["cscshnee@countyofberks.com"](#); ["nkarn@blairco.org"](#); ["Jonathan.Jr@fosterslawfirm.com"](#); ["amfitzpatrick@buckscounty.org"](#); ["VWhite@co.butler.pa.us"](#); ["wgbarbin@atlanticbb.net"](#); ["ewtompkinslaw@gmail.com"](#); ["dam@gmlawoffices.com"](#); ["bdupuis@babstcalland.com"](#); ["nforzato@chesco.org"](#); ["cgabriel@cfwwg.com"](#); ["Info@VariLaw.com"](#); ["lec@crwlaw.net"](#); ["ajm@mmkllp.com"](#); ["kbutton@shaferlaw.com"](#); ["solicitor@ccpa.net"](#); ["jcurcillo@dauphincounty.gov"](#); ["martinw@co.delaware.pa.us"](#); ["twagner@mwbklaw.com"](#); ["jackpurcell146@gmail.com"](#); ["attorneys@sbglawoffice.com"](#); ["Jerrolsuldove@blackanddavisson.com"](#); ["dsslaw@dsslayers.com"](#); ["pmcmanamon@penn.com"](#); ["mtb@bwlaw120.com"](#); ["cjz@zwick-law.com"](#); ["dzagurskie@juniataco.org"](#); ["RuggieroF@lackawannacounty.org"](#); ["Fredericksond@lackawannacounty.org"](#); ["jepfursich@co.lancaster.pa.us"](#); ["tleslie@co.lawrence.pa.us"](#); ["warner@buzgondavis.com"](#); ["dmbesq@ptd.net"](#); ["Romilda.Crocamo@luzernecounty.org"](#); ["dsmith@mcclaw.com"](#); ["theclarkefirm@yahoo.com"](#); ["wjmpc1@gmail.com"](#); ["ssnook@bmzlaw.com"](#); ["john@matergiadunn.com"](#); ["jstein1@montcopa.org"](#); ["pnewcome@montcopa.org"](#); ["info@mmdplaw.com"](#); ["mrudas@northamptoncounty.org"](#); ["fwgarrigan@gmail.com"](#); ["wrb@pa.net"](#); ["cweed@kfblawoffice.com"](#); ["tom@410ross.com"](#); ["clawoff@hotmail.com"](#); ["krllaw@epix.net"](#); ["cgabriel@cfwwg.com"](#); ["jdewald@mpvhlaw.com"](#); ["rwinkler@zoominternet.net"](#); ["contact@theschmidtllawfirm.com"](#); ["jggrimm@vorys.com"](#); ["wkay@waynecountypa.gov"](#); ["solicitor@co.westmoreland.pa.us"](#); ["krllaw@epix.net"](#); ["plitwin@epix.net"](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["aszefi@alleghenycounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["nkarn@blairco.org"](#); ["amfitzpatrick@buckscounty.org"](#); ["ddgrieser@buckscounty.org"](#); ["nforzato@chesco.org"](#); ["cfrens@chesco.org"](#); ["NMCentrella@duanemorris.com"](#); ["JMParks@duanemorris.com"](#); ["maronchick@hangley.com"](#); ["Rsantee@northamptoncounty.org"](#); ["Mvargo@northamptoncounty.org"](#); ["jdewald@mpvhlaw.com"](#)  
**Cc:** ["Jonathan Goldstein"](#); ["Britain Henry"](#); ["Gore, John M."](#); ["Kathleen Gallagher"](#); ["tking@dmkcg.com"](#); ["tbreth@dmkcg.com"](#); ["msowardsnewton@jonesday.com"](#); ["scrosland@jonesday.com"](#); ["jmasterman@cooperkirk.com"](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 4:59:39 PM  
**Attachments:** [image003.png](#)

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## #External Email#

All:

Please see below the responses of the Somerset County Board of Elections in red. You will note that I have incorporated the Board's responses to the supplemental questions advanced by the Oz Campaign this afternoon. Let me know if you have any questions.

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes, all exterior envelopes were receipt stamped.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **The receipt-stamping process used in Somerset County predates Act 77 of 2019 as it was used for many years – the exact number of years being unknown - with respect to absentee, military, and overseas ballots.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-

in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes.**

3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Somerset County has segregated all ballots received before 8:00 p.m. on the day of the General Primary for which no date was indicated on the exterior envelope. Somerset County did not segregate any ballots for which an “incorrect or incomplete date” may have been indicated on the exterior envelope as, consistent with the prior position of the Pennsylvania Department of State, all such ballots were counted unless they were otherwise found to be defective. Notably, the Department’s May 24, 2022 Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes recommending segregation of ballots with an exterior envelope “[d]ated with an ‘incorrect’ date” was received by Somerset County only after those ballots were removed from the exterior and secrecy envelopes and counted. It is also worth noting that, in its May 24<sup>th</sup> Guidance, the Department of State reiterated its “position that ballots that appear to have ‘incorrect’ dates must be counted.”**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
- a. Missing a voter-provided date; or
    1. Seventeen (17) Republican ballots contained in undated exterior envelopes;
    2. Twenty (20) Democratic ballots contained in undated exterior envelopes;
    3. Four (4) Republican ballots contained in exterior envelopes that were undated **and** unsigned;
    4. **Five (5) Democratic ballots contained in exterior envelopes that were undated and unsigned; and**
    5. Two (2) Republican ballots contained in exterior envelopes that were undated **and** that were not further contained in secrecy envelopes.
  - b. Contained an incorrect or incomplete date?

See response to Question 3 above.

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **As indicated in the response to Question 3 above, Somerset County has segregated the ballots for which no date was indicated on the exterior envelope, but, consistent with prior guidance supplied by the Pennsylvania Department of State and prior Commonwealth case law, the County has not included these segregated ballots in its unofficial returns that were due to be filed with the Department on Tuesday, May 24<sup>th</sup>. By way of further response, see the above response to Question 3 regarding ballots for which an “incorrect or incomplete date” may have been indicated on the exterior envelope.**
- a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00

- p.m., May 24, 2022 deadline; or See response to Question 5 above.
- ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? See response to Question 5 above. By way of further response, there was no designated field on the Department’s standard unofficial return form to report the segregated ballots.
  - iii. How many such ballots were for the Republican primary election? See response to Question 4(a).
  - iv. How many such ballots included a vote for Mehmet Oz for United States Senate? Of the seventeen (17) Republican ballots contained in undated exterior envelopes, six (6) indicated votes for Mehmet Oz.
  - v. How many such ballots included a vote for Dave McCormick for United States Senate? Of the seventeen (17) Republican ballots contained in undated exterior envelopes, ten (10) indicated votes for Dave McCormick.
- b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? Yes; provided, however, that the said May 24<sup>th</sup> Guidance expressly sets forth that “[a] determination on whether the segregated tabulations will be used in certifying elections has not yet been made, given the ongoing litigation.” Somerset County intends to comply with the law as, ultimately, determined.

6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and Yes.
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. Yes.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,  
Sincerely,  
Michael P. Barbera, Esq.



Barbera, Melvin & Svonavec, LLP  
146 West Main Street | Post Office Box 775  
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**From:** Russell Giancola <rdg@glawfirm.com>

**Sent:** Thursday, May 26, 2022 2:23 PM

**To:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>; 'tgate@pa.gov' <tgate@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@alleghenycounty.us' <andrew.szefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbklaw.com' <twagner@mwbklaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>; 'Jerrolsulcove@blackanddavis.com' <Jerrolsulcove@blackanddavis.com>; 'dsslw@dsslwlaw.com' <dsslw@dsslwlaw.com>; 'pmcmanamon@penn.com' <pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com' <cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>; 'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>; 'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>; 'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us' <tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>; 'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org' <Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>; 'theclarkefirm@yahoo.com' <theclarkefirm@yahoo.com>; 'wjmpc1@gmail.com' <wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com' <john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>; 'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com' <info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>;

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Solicitors and counsel:

I write on behalf of Doctor Oz for Senate and Dr. Mehmet Oz. As a supplement to the questions asked by Mr. Hicks, and for use in the stipulations to be filed with the Commonwealth Court, we request that you also answer the following in connection with Question 5(a) below (the underlined portion constitutes additional questions added to Mr. Hicks's original inquiry):

5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this questions [sic] is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
    - iii. How many such ballots were for the Republican primary election?
    - iv. How many such ballots included a vote for Mehmet Oz for United States Senate?
    - v. How many such ballots included a vote for Dave McCormick for United States Senate?

Please let us know if you have any questions. We appreciate your prompt responses.

Best regards,

**Russell D. Giancola**

Gallagher Giancola LLC

[rdg@glawfirm.com](mailto:rdg@glawfirm.com)

412.717.1921 (Direct)

412.717.1901 (Fax)

3100 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219



---

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@allegHENYcounty.us' <[andrew.szefi@allegHENYcounty.us](mailto:andrew.szefi@allegHENYcounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cschnee@countyofberks.com' <[cschnee@countyofberks.com](mailto:cschnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>; 'martinw@co.delaware.pa.us' <[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)>; 'twagner@mwbkllaw.com' <[twagner@mwbkllaw.com](mailto:twagner@mwbkllaw.com)>; 'jackpurcell146@gmail.com' <[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com)>; 'attorneys@sbglawoffice.com' <[attorneys@sbglawoffice.com](mailto:attorneys@sbglawoffice.com)>; 'Jerroldsulcove@blackanddavisson.com' <[Jerroldsulcove@blackanddavisson.com](mailto:Jerroldsulcove@blackanddavisson.com)>; 'dsslw@dsslwlaw.com' <[dsslw@dsslwlaw.com](mailto:dsslw@dsslwlaw.com)>; 'pmcmanamon@penn.com' <[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com)>; 'mtb@bwlaw120.com' <[mtb@bwlaw120.com](mailto:mtb@bwlaw120.com)>; 'cjz@zwick-law.com' <[cjz@zwick-law.com](mailto:cjz@zwick-law.com)>; 'dzagurskie@juniataco.org' <[dzagurskie@juniataco.org](mailto:dzagurskie@juniataco.org)>; 'RuggieroF@lackawannacounty.org' <[RuggieroF@lackawannacounty.org](mailto:RuggieroF@lackawannacounty.org)>; 'Fredericksond@lackawannacounty.org' <[Fredericksond@lackawannacounty.org](mailto:Fredericksond@lackawannacounty.org)>; 'jepfursich@co.lancaster.pa.us' <[jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us)>; 'tleslie@co.lawrence.pa.us' <[tleslie@co.lawrence.pa.us](mailto:tleslie@co.lawrence.pa.us)>; 'warner@buzgondavis.com' <[warner@buzgondavis.com](mailto:warner@buzgondavis.com)>; 'dmbesq@ptd.net' <[dmbesq@ptd.net](mailto:dmbesq@ptd.net)>; 'Romilda.Crocamo@luzernecounty.org' <[Romilda.Crocamo@luzernecounty.org](mailto:Romilda.Crocamo@luzernecounty.org)>; 'dsmith@mcclaw.com' <[dsmith@mcclaw.com](mailto:dsmith@mcclaw.com)>; 'theclarkefirm@yahoo.com' <[theclarkefirm@yahoo.com](mailto:theclarkefirm@yahoo.com)>; 'wjmpc1@gmail.com' <[wjmpc1@gmail.com](mailto:wjmpc1@gmail.com)>; 'ssnook@bmzlaw.com' <[ssnook@bmzlaw.com](mailto:ssnook@bmzlaw.com)>; 'john@matergiadunn.com'

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<[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in

- ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
  3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
  4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
    - a. Missing a voter-provided date; or
    - b. Contained an incorrect or incomplete date?
  5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
    - a. If your answer to this question is in the affirmative, then:
      - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
      - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
    - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
  6. Did You receive copies of the following guidance:
    - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
    - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**End of notice**

**From:** Chris Gabriel <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>  
**Sent:** Friday, May 27, 2022 6:53 AM  
**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Cc:** Stephanie Fera <[sfera@cfwwg.com](mailto:sfera@cfwwg.com)>; Chris Furman <[cfurman@cfwwg.com](mailto:cfurman@cfwwg.com)>  
**Subject:** #EXT# TIOGA and CLARION County Answers to Questions

**#External Email#**

TIOGA COUNTY

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **When Absentee or Mail-In Ballots are received into the Elections Office it has always been policy to date stamp ballots as received.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **YES**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **YES**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery

deadline that were:

- a. Missing a voter-provided date; or **ONE**
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **YES**
- a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **YES**
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **YES**
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **YES**

## CLARION COUNTY

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **YES**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **When Absentee or Mail-In Ballots are received into the Elections Office it has always been policy to date stamp ballots as received.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?



- ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **NO**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and **YES**
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. **YES**



# Christopher Gabriel

Cafardi Ferguson Wyrick Weis & Gabriel

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**END OF NOTICE**

**From:** DeWald, Jonathan <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>  
**Sent:** Thursday, May 26, 2022 11:42 AM  
**To:** Hicks, Ronald L, Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Cc:** Depasqua, Phil <[pdepasqua@mpvhlaw.com](mailto:pdepasqua@mpvhlaw.com)>; McGee, Carolyn B. <[CBMcGee@porterwright.com](mailto:CBMcGee@porterwright.com)>; Mercer, Jeremy A. <[JMercer@porterwright.com](mailto:JMercer@porterwright.com)>  
**Subject:** RE: #EXT# McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022) [MPVH-Legal.FID291108]

We represent Union County's Board of Election.

I noted in my e-mail of Monday to your attention that Union County received no undated absentee or mail-in ballots; yet, it has been named a defendant. May I propose a stipulation for Union County Board's to enter into noting the same and, in exchange for Union County not being required to file an answer or defend the matter, the petitioners' will not move for judgment and request attorneys' fees. I was thinking similar to the stipulation we entered into following the 2020 election that we both were involved with.

Thank you,

Jon

**SINCE  
1939**

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Sent:** Thursday, May 26, 2022 11:02 AM  
**To:** DeWald, Jonathan <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>  
**Cc:** Depasqua, Phil <[pdepasqua@mpvhlaw.com](mailto:pdepasqua@mpvhlaw.com)>; McGee, Carolyn B. <[CBMcGee@porterwright.com](mailto:CBMcGee@porterwright.com)>; Mercer, Jeremy A. <[JMercer@porterwright.com](mailto:JMercer@porterwright.com)>  
**Subject:** RE: #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022) [MPVH-Legal.FID291108]  
**Importance:** High

Thanks, Jon.

Which County BOE do you represent?

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

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**From:** DeWald, Jonathan <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>  
**Sent:** Thursday, May 26, 2022 10:59 AM  
**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

Cc: Depasqua, Phil <pdepasqua@mpvhlaw.com>

Subject: #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022) [MPVH-Legal.FID291108]

**#External Email#**

Attorney Hicks:

In reply to your questions, I can offer the following answers, in red:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **No**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **N/A**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process? **Each ballot received before election day was uploaded to the Statewide Uniform Registry of Electors (“SURE”) System upon receipt.**
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline? **Each ballot received before election day was uploaded to the Statewide Uniform Registry of Electors (“SURE”) System upon receipt. The ballots received on Election Day were held in the Elections Office, at the Union County Government Center and then counted the following day.**
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **No**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **N/A**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were: **N/A**
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **N/A**
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020 **(Yes)**; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022 **(Yes)**.

Thank you,

Jon

Jonathan L. DeWald, Esquire | Partner  
McNerney, Page, Vanderlin & Hall  
433 Market Street, Williamsport, PA 17701 | [www.mpvhlaw.com](http://www.mpvhlaw.com)  
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---

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgate@pa.gov' <[tgate@pa.gov](mailto:tgate@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@alleghenycounty.us' <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cschnee@countyofberks.com' <[cschnee@countyofberks.com](mailto:cschnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>; 'martinw@co.delaware.pa.us' <[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)>; 'twagner@mwbkllaw.com' <[twagner@mwbkllaw.com](mailto:twagner@mwbkllaw.com)>; 'jackpurcell146@gmail.com' <[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com)>; 'attorneys@sbglawoffice.com' <[attorneys@sbglawoffice.com](mailto:attorneys@sbglawoffice.com)>; 'Jerroldsulcove@blackanddavison.com' <[Jerroldsulcove@blackanddavison.com](mailto:Jerroldsulcove@blackanddavison.com)>; 'dsslw@dsslawyers.com' <[dsslw@dsslawyers.com](mailto:dsslw@dsslawyers.com)>; 'pmcmanamon@penn.com' <[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com)>; 'mtb@bwlaw120.com' <[mtb@bwlaw120.com](mailto:mtb@bwlaw120.com)>; 'cjz@zwick-law.com' <[cjz@zwick-law.com](mailto:cjz@zwick-law.com)>; 'dzagurskie@juniataco.org' <[dzagurskie@juniataco.org](mailto:dzagurskie@juniataco.org)>; 'RuggieroF@lackawannacounty.org' <[RuggieroF@lackawannacounty.org](mailto:RuggieroF@lackawannacounty.org)>; 'Fredericksond@lackawannacounty.org' <[Fredericksond@lackawannacounty.org](mailto:Fredericksond@lackawannacounty.org)>; 'jepfursich@co.lancaster.pa.us' <[jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us)>; 'warner@buzgondavis.com' <[warner@buzgondavis.com](mailto:warner@buzgondavis.com)>; 'dmbesq@ptd.net' <[dmbesq@ptd.net](mailto:dmbesq@ptd.net)>; 'Romilda.Crocamo@luzernecounty.org' <[Romilda.Crocamo@luzernecounty.org](mailto:Romilda.Crocamo@luzernecounty.org)>; 'dsmith@mcclaw.com' <[dsmith@mcclaw.com](mailto:dsmith@mcclaw.com)>; 'theclarkefirm@yahoo.com' <[theclarkefirm@yahoo.com](mailto:theclarkefirm@yahoo.com)>; 'wjmpc1@gmail.com' <[wjmpc1@gmail.com](mailto:wjmpc1@gmail.com)>; 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'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'ddgrieser@buckscounty.org' <[ddgrieser@buckscounty.org](mailto:ddgrieser@buckscounty.org)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cfrens@chesco.org' <[cfrens@chesco.org](mailto:cfrens@chesco.org)>; 'NMCentrella@duanemorris.com' <[NMCentrella@duanemorris.com](mailto:NMCentrella@duanemorris.com)>; 'JMParks@duanemorris.com' <[JMParks@duanemorris.com](mailto:JMParks@duanemorris.com)>; 'maronchick@hangley.com' <[maronchick@hangley.com](mailto:maronchick@hangley.com)>; 'Rsantee@northamptoncounty.org' <[Rsantee@northamptoncounty.org](mailto:Rsantee@northamptoncounty.org)>; 'Mvargo@northamptoncounty.org' <[Mvargo@northamptoncounty.org](mailto:Mvargo@northamptoncounty.org)>; DeWald, Jonathan <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>

**Cc:** 'Jonathan Goldstein' <[jgoldstein@goldsteinlp.com](mailto:jgoldstein@goldsteinlp.com)>; 'Britain Henry' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>; 'Gore, John M.' <[jmgore@jonesday.com](mailto:jmgore@jonesday.com)>; 'Kathleen Gallagher' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>; 'Russell Giancola' <[rdg@glawfirm.com](mailto:rdg@glawfirm.com)>; 'tking@dmkq.com' <[tking@dmkq.com](mailto:tking@dmkq.com)>; 'tbreth@dmkq.com' <[tbreth@dmkq.com](mailto:tbreth@dmkq.com)>; 'msowardsnewton@jonesday.com'

<[msowardsnewton@jonesday.com](mailto:msowardsnewton@jonesday.com)>; 'scroslan@jonesday.com' <[scroslan@jonesday.com](mailto:scroslan@jonesday.com)>;  
'jmasterman@cooperkirk.com' <[jmasterman@cooperkirk.com](mailto:jmasterman@cooperkirk.com)>

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

Bio / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510

6 PPG Place, Third Floor / Pittsburgh, PA 15222

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**END OF NOTICE**

**From:** [Attorney Rich Winkler](#)  
**To:** [Hicks, Ronald L., Jr.; tgates@pa.gov; mfischer@attorneygeneral.gov; jboyer@attorneygeneral.gov; kromano@attorneygeneral.gov; mmudd@adamscounty.us; andrew.szefi@allegHENYcounty.us; aopsitnick@opsitnickslaw.com; gfedeles@beavercountypa.gov; nmorgan@beavercountypa.gov; dcrabtree.kclaw@comcast.net; csadler@countyofberks.com; cschnee@countyofberks.com; nkarn@blairco.org; Jonathan.Jr@fosterslawfirm.com; amfitzpatrick@buckscounty.org; WWhite@co.butler.pa.us; wgbarbin@atlanticbb.net; ewtompkinslaw@gmail.com; dam@gmlawoffices.com; bdupuis@babstcalland.com; nforzato@chesco.org; cgabriel@cfwwg.com; Info@VariLaw.com; lec@crwlaw.net; ajm@mmkllp.com; kbutton@shaferlaw.com; solicitor@ccpa.net; jcurcillo@dauphincounty.gov; martinw@co.delaware.pa.us; twagner@mwbkclaw.com; jackpurcell146@gmail.com; attorneys@sbglawoffice.com; JerroldSulcove@blackanddavisson.com; dsslw@dsslwlawyers.com; pmcmanamon@penn.com; mtb@bwlaw120.com; czj@zwick-law.com; dzaqurskie@juniataco.org; RuggieroF@lackawannacounty.org; Fredericksnd@lackawannacounty.org; jepfursich@co.lancaster.pa.us; tleslie@co.lawrence.pa.us; warner@buzgondavis.com; dmbesq@ptd.net; Romilda.Crocamo@luzernecounty.org; dsmith@mcclaw.com; theclarkefirm@yahoo.com; wjmpc1@gmail.com; ssnook@bmzlaw.com; john@matergladunn.com; jstein1@montcopa.org; pnnewcome@montcopa.org; info@mmdplaw.com; mrudas@northamptoncounty.org; fwgarrigan@gmail.com; wrb@pa.net; cweed@kfblawoffice.com; tom@410ross.com; clawoff@hotmail.com; mpbarbera@barberalaw.com; krllaw@epix.net; cgabriel@cfwwg.com; jdewald@mpvhlaw.com; contact@theschmidtlawfirm.com; jggrimm@vorys.com; wkay@waynecountypa.gov; solicitor@co.westmoreland.pa.us; krllaw@epix.net; plitwin@epix.net; tgates@pa.gov; mfischer@attorneygeneral.gov; jboyer@attorneygeneral.gov; mmudd@adamscounty.us; aszefi@allegHENYcounty.us; aopsitnick@opsitnickslaw.com; nkarn@blairco.org; amfitzpatrick@buckscounty.org; ddgrieser@buckscounty.org; nforzato@chesco.org; cfrens@chesco.org; NMCentrella@duanemorris.com; JMParks@duanemorris.com; maronchick@hangley.com; Rsantee@northamptoncounty.org; Mvargo@northamptoncounty.org; jdewald@mpvhlaw.com](#)  
**Cc:** ["Jonathan Goldstein"; "Britain Henry"; "Gore, John M."; "Kathleen Gallagher"; "Russell Giancola"; tking@dmkcg.com; tbreth@dmkcg.com; msowardsnewton@jonesday.com; scrosland@jonesday.com; jmasterman@cooperkirk.com](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 3:17:18 PM

---

## #External Email#

Reply for Venango County: 1.No. 1. b.i. Ballots were logged into an Excel spreadsheet with date of receipt and method of delivery. 2. No. 6.a. Yes. B. Yes. Richard Winkler, County Solicitor

---

**From:** Hicks, Ronald L., Jr. <RHicks@porterwright.com>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@allegHENYcounty.us' <andrew.szefi@allegHENYcounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>; 'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbkclaw.com'

'twagner@mwbklaw.com'; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>;  
'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>;  
'Jerrolsulcove@blackanddavis.com' <Jerrolsulcove@blackanddavis.com>;  
'dsslw@dsslayers.com' <dsslw@dsslayers.com>; 'pmcmanamon@penn.com'  
<pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com'  
<cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>;  
'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>;  
'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>;  
'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us'  
<tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>;  
'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org'  
<Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>;  
'theclarkefirm@yahoo.com' <theclarkefirm@yahoo.com>; 'wjmpc1@gmail.com'  
<wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com'  
<john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>;  
'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com'  
<info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>;  
'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>;  
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**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>;

**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)



**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

[Bio](#) / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**End of notice**

**From:** Attorney Rich Winkler <[rwinkler@zoominternet.net](mailto:rwinkler@zoominternet.net)>

**Sent:** Thursday, May 26, 2022 3:17 PM

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**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**#External Email#**

Reply for Venango County: 1.No. 1. b.i. Ballots were logged into an Excel spreadsheet with date of receipt and method of delivery. 2. No. 6.a. Yes. B. Yes. Richard Winkler, County Solicitor

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election

- day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
  3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
  4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
    - a. Missing a voter-provided date; or
    - b. Contained an incorrect or incomplete date?
  5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
    - a. If your answer to this question is in the affirmative, then:
      - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
      - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
    - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
  6. Did You receive copies of the following guidance:
    - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
    - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

Bio / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

D: 412.235.1464 / M: 412.780.7744 / F: 412.235.4510  
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**END OF NOTICE**

**From:** Nathaniel Schmidt <contact@theschmidtlawfirm.com>

**Sent:** Friday, May 27, 2022 10:28 AM

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Counsel,

Please see the answers below which may be included in the joint stipulations for the  
Warren County Board of Elections.

Thank you,

Nathaniel J. Schmidt, Esq.  
*Solicitor for Warren County*  
315 Second Avenue, Suite 704  
P. O. Box 746  
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(f): 814-723-3413  
[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'kromano@attorneygeneral.gov' <[kromano@attorneygeneral.gov](mailto:kromano@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'andrew.szefi@alleghenycounty.us' <[andrew.szefi@alleghenycounty.us](mailto:andrew.szefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'gfedeles@beavercountypa.gov' <[gfedeles@beavercountypa.gov](mailto:gfedeles@beavercountypa.gov)>; 'nmorgan@beavercountypa.gov' <[nmorgan@beavercountypa.gov](mailto:nmorgan@beavercountypa.gov)>; 'dcrabtree.kclaw@comcast.net' <[dcrabtree.kclaw@comcast.net](mailto:dcrabtree.kclaw@comcast.net)>; 'csadler@countyofberks.com' <[csadler@countyofberks.com](mailto:csadler@countyofberks.com)>; 'cschnee@countyofberks.com' <[cschnee@countyofberks.com](mailto:cschnee@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'dam@gmlawoffices.com' <[dam@gmlawoffices.com](mailto:dam@gmlawoffices.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'Info@VariLaw.com' <[Info@VariLaw.com](mailto:Info@VariLaw.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'ajm@mmkllp.com' <[ajm@mmkllp.com](mailto:ajm@mmkllp.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'jcurcillo@dauphincounty.gov' <[jcurcillo@dauphincounty.gov](mailto:jcurcillo@dauphincounty.gov)>; 'martinw@co.delaware.pa.us' <[martinw@co.delaware.pa.us](mailto:martinw@co.delaware.pa.us)>; 'twagner@mwbkllaw.com' <[twagner@mwbkllaw.com](mailto:twagner@mwbkllaw.com)>; 'jackpurcell146@gmail.com' <[jackpurcell146@gmail.com](mailto:jackpurcell146@gmail.com)>; 'attorneys@sbglawoffice.com' <[attorneys@sbglawoffice.com](mailto:attorneys@sbglawoffice.com)>; 'Jerroldsulcove@blackanddavisson.com' <[Jerroldsulcove@blackanddavisson.com](mailto:Jerroldsulcove@blackanddavisson.com)>; 'dsslaw@dsslayers.com' <[dsslaw@dsslayers.com](mailto:dsslaw@dsslayers.com)>; 'pmcmanamon@penn.com' <[pmcmanamon@penn.com](mailto:pmcmanamon@penn.com)>; 'mtb@bwlaw120.com' <[mtb@bwlaw120.com](mailto:mtb@bwlaw120.com)>; 'cjz@zwick-law.com' <[cjz@zwick-law.com](mailto:cjz@zwick-law.com)>; 'dzagurskie@juniataco.org' <[dzagurskie@juniataco.org](mailto:dzagurskie@juniataco.org)>; 'RuggieroF@lackawannacounty.org' <[RuggieroF@lackawannacounty.org](mailto:RuggieroF@lackawannacounty.org)>; 'Fredericksond@lackawannacounty.org' <[Fredericksond@lackawannacounty.org](mailto:Fredericksond@lackawannacounty.org)>; 'jepfursich@co.lancaster.pa.us' <[jepfursich@co.lancaster.pa.us](mailto:jepfursich@co.lancaster.pa.us)>; 'tleslie@co.lawrence.pa.us' <[tleslie@co.lawrence.pa.us](mailto:tleslie@co.lawrence.pa.us)>; 'warner@buzgondavis.com' <[warner@buzgondavis.com](mailto:warner@buzgondavis.com)>; 'dmbesq@ptd.net' <[dmbesq@ptd.net](mailto:dmbesq@ptd.net)>; 'Romilda.Crocamo@luzernecounty.org' <[Romilda.Crocamo@luzernecounty.org](mailto:Romilda.Crocamo@luzernecounty.org)>; 'dsmith@mcclaw.com' <[dsmith@mcclaw.com](mailto:dsmith@mcclaw.com)>; 'theclarkefirm@yahoo.com' <[theclarkefirm@yahoo.com](mailto:theclarkefirm@yahoo.com)>; 'wjmpc1@gmail.com' <[wjmpc1@gmail.com](mailto:wjmpc1@gmail.com)>; 'ssnook@bmzlaw.com' <[ssnook@bmzlaw.com](mailto:ssnook@bmzlaw.com)>; 'john@matergiadunn.com' <[john@matergiadunn.com](mailto:john@matergiadunn.com)>; 'jstein1@montcopa.org' <[jstein1@montcopa.org](mailto:jstein1@montcopa.org)>; 'pnewcome@montcopa.org' <[pnewcome@montcopa.org](mailto:pnewcome@montcopa.org)>; 'info@mmdplaw.com'

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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **No.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **N/A**
  - b. If your answer to Question 1 is in the negative,

- i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process? **Yes, the bar code is scanned into the SURE system at the time of delivery.**
  - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline? **Yes.**
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
 

**Yes.**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
 

**Yes.**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or **7 (Seven)**
  - b. Contained an incorrect or incomplete date? **0 (Zero)**
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **Yes.**
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **Yes**
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **These votes were segregated and run as a separate batch in the Dominion Scanner. They are included in the overall vote total of the unofficial report.**
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? **N/A**
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and

Yes.

- b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

Yes.

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

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---

**From:** Nathaniel Schmidt <[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)>  
**Date:** Friday, May 27, 2022, 10:28 AM  
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**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

### **#External Email#**

Counsel,

Please see the answers below which may be included in the joint stipulations for the Warren County Board of Elections.

Thank you,

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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **No.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **N/A**

- b. If your answer to Question 1 is in the negative,
  - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process? **Yes, the bar code is scanned into the SURE system at the time of delivery.**
  - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline? **Yes.**
- 2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?

**Yes.**

- 3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?

**Yes.**

- 4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:

- a. Missing a voter-provided date; or **7 (Seven)**
- b. Contained an incorrect or incomplete date? **0 (Zero)**

- 5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **Yes.**

- a. If your answer to this question is in the affirmative, then:
  - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or **Yes**
  - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State? **These votes were segregated and run as a separate batch in the Dominion Scanner. They are included in the overall vote total of the unofficial report.**

- b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? **N/A**

- 6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination

of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and

Yes.

- b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

Yes.

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

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**From:** Nathaniel Schmidt <[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)>  
**Sent:** Thursday, May 26, 2022 11:23 AM  
**To:** Hicks, Ronald L., Jr. [RHicks@porterwright.com](mailto:RHicks@porterwright.com)oter  
**Cc:** 'Ransom,Krystle' <[kransom@warrencountypa.gov](mailto:kransom@warrencountypa.gov)>; 'Kafferlin,Ben' <[bkafferlin@warrencountypa.gov](mailto:bkafferlin@warrencountypa.gov)>; 'Durbin,Tricia' <[tdurbin@warrencountypa.gov](mailto:tdurbin@warrencountypa.gov)>; 'Glotz,Dan' <[dglotz@warrencountypa.gov](mailto:dglotz@warrencountypa.gov)>; 'bhenry@goldsteinlp.com' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>  
**Subject:** RE: #EXT# FW: Warren County Board of Elections--Summary of Initial Determinations and Notice of Hearing  
**Importance:** High

Mr. Hicks,

Thank you for your reply. The McCormick Campaign's withdrawal of their request for a hearing is duly noted.

Per my May 24, 2022, email, the Warren County Board of Elections followed a course of action on Friday May 20, 2022, that precisely anticipated the DOS guidance and the Third Circuit's *Migliori* decision by accepting the undated ballot envelopes, canvassing them, and segregating them.

We do not believe the McCormick Campaign requires any relief as to the Warren County Board of Elections. While our office will review your questions sent in order to prepare the stipulation, I would propose that the joint stipulation of facts simply indicate that Warren County has been in compliance with DOS Guidance since it was issued on May 23, 2022. *Confirmation of this stipulation by counsel for both campaigns and candidates would be appreciated.*

Given the Warren County Board of Elections' position on this issue since last Friday, it would be preferable if Warren County was dismissed as a party from these cases. However we understand this is an additional process and time is of the essence to address questions on the merits with other counties. With that said I plan to enter my appearance and may note these comments in our No Response Letter.

Thank you for your consideration,

Nathaniel J. Schmidt, Esq.  
Solicitor for Warren County  
315 Second Avenue, Suite 704  
P. O. Box 746  
Warren, PA 16365  
(p): 814-723-8665  
(f): 814-723-3413  
[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>  
**Sent:** Thursday, May 26, 2022 10:20 AM  
**To:** Nathaniel Schmidt <[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)>  
**Cc:** 'Ransom,Krystle' <[kransom@warrencountypa.gov](mailto:kransom@warrencountypa.gov)>; 'Kafferlin,Ben' <[bkafferlin@warrencountypa.gov](mailto:bkafferlin@warrencountypa.gov)>; 'Durbin,Tricia' <[tdurbin@warrencountypa.gov](mailto:tdurbin@warrencountypa.gov)>; 'Glotz,Dan' <[dglotz@warrencountypa.gov](mailto:dglotz@warrencountypa.gov)>; 'Warren County Republican Committee' <[kckjensen@kkjconsults.us](mailto:kckjensen@kkjconsults.us)>; 'Lisa C. McManus' <[lisamcmanus@pengeneralenergy.com](mailto:lisamcmanus@pengeneralenergy.com)>; 'bhenry@goldsteinlp.com' <[bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)>  
**Subject:** RE: #EXT# FW: Warren County Board of Elections--Summary of Initial Determinations and Notice of Hearing  
**Importance:** High

Dear Mr. Schmidt,

As the only matter to be addressed at tomorrow's hearing is whether to count the two absentee/mail-in ballots that had unsealed inner secrecy envelopes when the outer envelopes were opened, the McCormick Campaign withdraws its request for hearing on these two ballots. Accordingly, there is no need to proceed with tomorrow's hearing.

Thank you for your courtesy and professionalism. Let me know if you have any questions.

Best regards,

**RONALD L. HICKS, JR.**  
Pronouns: he / him / his

Porter Wright Morris & Arthur LLP  
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**From:** Nathaniel Schmidt <[contact@theschmidtlawfirm.com](mailto:contact@theschmidtlawfirm.com)>  
**Sent:** Tuesday, May 24, 2022 2:23 PM  
**To:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>; Lisa C. McManus <[lisamcmanus@penngeneralenergy.com](mailto:lisamcmanus@penngeneralenergy.com)>; [bhenry@goldsteinlp.com](mailto:bhenry@goldsteinlp.com)  
**Cc:** Ransom, Krystle <[kransom@warrencountypa.gov](mailto:kransom@warrencountypa.gov)>; Kafferlin, Ben <[bkafferlin@warrencountypa.gov](mailto:bkafferlin@warrencountypa.gov)>; Durbin, Tricia <[tdurbin@warrencountypa.gov](mailto:tdurbin@warrencountypa.gov)>; Glotz, Dan <[dglotz@warrencountypa.gov](mailto:dglotz@warrencountypa.gov)>; Warren County Republican Committee <[kckjensen@kkjconsults.us](mailto:kckjensen@kkjconsults.us)>  
**Subject:** #EXT# FW: Warren County Board of Elections--Summary of Initial Determinations and Notice of Hearing  
**Importance:** High

**#External Email#**

Dear Counsel,

Please receive this email as an update on the proceedings of the Warren County Board of Elections.

On Friday, May 20, 2022, at 1:30 p.m., the Warren County Board of Elections held session during the adjudication process to make initial determinations regarding the canvassing of irregular ballots. Those determinations were recorded, along with certain comments from counsel in attendance, on a spreadsheet which I have attached to this email. At the time of the initial determinations, Lisa McManus, Esq., counsel for the David McCormick campaign, advanced legal positions for certain irregular ballots which were noted on the return. Specifically, she advocated:

That the Board of Elections should count the two ballots (both Republican) where the privacy envelopes were unsealed; and

That the Board of Elections should count the seven ballots (4 Republican) where the outer envelope did not contain a date.

The McCormick Campaign argued in the first matter regarding privacy envelopes that

the votes should be counted if there was no evidence of fraud, or no evidence of how the envelopes became unsealed. The McCormick Campaign argued in the second matter regarding no dates on the outside envelopes that the dates are there merely to ensure timely delivery to the Board of Elections. Upon hearing those arguments, the Board voted to:

Set aside and not count the two ballots where the privacy envelopes were unsealed; and Accept and count in a separate batch the seven ballot envelopes that did not contain a date.

The Board received notice of the *Migliori* decision later that afternoon. This counsel as Solicitor for the Board of Elections subsequently received two emails Friday evening from counsel for the McCormick campaign and one email from the Oz campaign. Attorney Ron Hicks for the McCormick Campaign reiterated Attorney McManus' position that the ballots with unsealed privacy envelopes should be counted, and again requested a hearing on this matter. In a second email Attorney Hicks advocated that the Third Circuit's decision in *Migliori* decided that same day required votes with undated ballot envelopes be counted. The Oz campaign letter from Attorney Britain Henry argued they should not be counted, and that no hearing should be conducted.

Attorney McManus, at the time argument was held and the determinations were made, requested a hearing on these matters should the Board rule against the McCormick Campaign's position. Therefore, as to the first issue regarding the setting aside of two ballots where the privacy envelope was unsealed, the Board received a request for a hearing. The hearing is expected to be held the morning of Friday, May 27 in the Commissioners' Conference Room at 10:00 a.m.; the Board of Elections is meeting for an Executive Session tomorrow morning at 10:30 a.m., and the Notice of Hearing attached will be signed and distributed at the conclusion of the Executive Session. Please contact my office as soon as possible if you have any questions regarding the hearing.

In regard to the second question concerning the undated ballot envelopes, since the Board decided to accept said votes as requested by the McCormick Campaign, and the Oz campaign did not specifically request a hearing on this matter, and given the recent actions filed, the hearing anticipated on May 27 will not cover this issue. The ballots were and remain segregated as a separate batch, and were counted. Per the Election Code, and due to the recount expected to be ordered, the County's vote total is not certified or considered final.

Sincerely,

Nathaniel J. Schmidt, Esq.  
*Solicitor for Warren County*  
315 Second Avenue, Suite 704  
P. O. Box 746  
Warren, PA 16365  
(p): 814-723-8665  
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**END OF NOTICE**



**From:** [Grimm, Jana P.](#)  
**To:** [Hicks, Ronald L., Jr.](#)  
**Cc:** [Turoczy, Tracie S.](#); [Long, Tricia A.](#); [McGee, Carolyn B.](#); [Mercer, Jeremy A.](#); [Mathews, Lauren L.](#); [Grimm, Jana P.](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022) & 46 MM 2022 (Pa. 2022)  
**Date:** Thursday, May 26, 2022 1:50:03 PM  
**Attachments:** [image001.jpg](#)

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**#External Email#**

Ron,

Please be advised that the Washington County tallies have been reported to the Secretary of State. Please let me know if you have any questions. I anticipate receiving your Motion to Dismiss regarding Washington County as soon as possible and before the 4:00 pm deadline set by the court. Thank you.



**Jana Phillis Grimm**

Partner

Vorys, Sater, Seymour and Pease LLP  
500 Grant Street | Suite 4900  
Pittsburgh, Pennsylvania 15219-2502

Direct: 412.904.7706; Cell: 412.298.3293  
Fax: 412.904.7782  
Email: [jpg Grimm@vorys.com](mailto:jpg Grimm@vorys.com)

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**From:** Hicks, Ronald L., Jr.

<RHicks@porterwright.com>

**Sent:** Thursday, May 26, 2022 10:53 AM

**To:** Grimm, Jana P. <jpg Grimm@vorys.com>

**Cc:** Turoczy, Tracie S. <TTuroczy@porterwright.com>; Long, Tricia A. <TLong@porterwright.com>; McGee, Carolyn B. <CBMcGee@porterwright.com>; Mercer, Jeremy A. <JMercer@porterwright.com>

**Subject:** [EXTERNAL] McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022) & 46 MM 2022 (Pa. 2022)

**Importance:** High

**CAUTION: External Email**

Good morning, Jana.

Here are the messages that we have been sent concerning the above litigation matters. I believe some of these messages may have already been received by you. But, out of an abundance of caution, I am re-sending them all so that you have them.

As we discussed, Washington County is intending to comply with the May 24, 2022 Guidance and provide the DOS with following three tallies for the 47 (37 D/10 R) absentee/mail-in ballots that do not contain a voter-provided date:

1. Total votes with the undated ballots included;
2. Total votes without the undated ballots included; and
3. Total votes cast on the undated ballots.

Based on this information, we will include Washington County on the list of County Boards that will be voluntarily dismissed.

If I have misunderstood our conversation, please let me know.

Best regards,

Ron

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

Bio / [RHicks@porterwright.com](mailto:RHicks@porterwright.com)

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**From:** [Melissa Guiddy](#)  
**To:** [Hicks, Ronald L. Jr.](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["kromano@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["andrew.szefi@alleghenycounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["gfedeles@beavercountypa.gov"](#); ["nmorgan@beavercountypa.gov"](#); ["dcrabtree.kclaw@comcast.net"](#); ["csadler@countyofberks.com"](#); ["cschnee@countyofberks.com"](#); ["nkarn@blairco.org"](#); ["Jonathan.Jr@fosterslawfirm.com"](#); ["amfitzpatrick@buckscounty.org"](#); ["VWhite@co.butler.pa.us"](#); ["wgbarbin@atlanticbb.net"](#); ["ewtompkinslaw@gmail.com"](#); ["dam@gmlawoffices.com"](#); ["bdupuis@babstcalland.com"](#); ["nforzato@chesco.org"](#); ["cgabriel@cfwwg.com"](#); ["Info@Varilaw.com"](#); ["lec@crwlaw.net"](#); ["ajm@mmkllp.com"](#); ["kbutton@shaferlaw.com"](#); ["solicitor@ccpa.net"](#); ["jcurcillo@dauphincounty.gov"](#); ["martinw@co.delaware.pa.us"](#); ["twagner@mwbklaw.com"](#); ["jackpurcell146@gmail.com"](#); ["attorneys@sbglawoffice.com"](#); ["Jerroldsulcove@blackanddavisson.com"](#); ["dsslaw@dsslawyers.com"](#); ["pmcmanamon@penn.com"](#); ["mtb@bwlaw120.com"](#); ["cjz@zwick-law.com"](#); ["dzaglaw@juniataco.org"](#); ["RuggieroF@lackawannacounty.org"](#); ["Fredericksond@lackawannacounty.org"](#); ["jepfursich@co.lancaster.pa.us"](#); ["tleslie@co.lawrence.pa.us"](#); ["warner@buzgondavis.com"](#); ["dmbesq@ptd.net"](#); ["Romilda.Crocamo@luzernecounty.org"](#); ["dsmith@mcclaw.com"](#); ["theclarkefirm@yahoo.com"](#); ["wjmpc1@gmail.com"](#); ["ssnook@bmzlaw.com"](#); ["john@matergiadunn.com"](#); ["jstein1@montcopa.org"](#); ["pnewcome@montcopa.org"](#); ["info@mmdplaw.com"](#); ["mrudas@northamptoncounty.org"](#); ["fwgarrigan@gmail.com"](#); ["wrb@pa.net"](#); ["cweed@kfblawoffice.com"](#); ["tom@410ross.com"](#); ["clawoff@hotmail.com"](#); ["mpbarbera@barberalaw.com"](#); ["krllaw@epix.net"](#); ["cgabriel@cfwwg.com"](#); ["jdewald@mpvhlaw.com"](#); ["rwinkler@zoominternet.net"](#); ["contact@theschmidtlawfirm.com"](#); ["jppgrimm@vorys.com"](#); ["wkay@waynecountypa.gov"](#); ["solicitor"](#); ["krllaw@epix.net"](#); ["plitwin@epix.net"](#); ["tgates@pa.gov"](#); ["mfischer@attorneygeneral.gov"](#); ["jboyer@attorneygeneral.gov"](#); ["mmudd@adamscounty.us"](#); ["aszefi@alleghenycounty.us"](#); ["aopsitnick@opsitnickslaw.com"](#); ["nkarn@blairco.org"](#); ["amfitzpatrick@buckscounty.org"](#); ["ddgrieser@buckscounty.org"](#); ["nforzato@chesco.org"](#); ["cfrens@chesco.org"](#); ["NMCentrella@duanemorris.com"](#); ["JMParks@duanemorris.com"](#); ["maronchick@hangley.com"](#); ["Rsantee@northamptoncounty.org"](#); ["Mvargo@northamptoncounty.org"](#); ["jdewald@mpvhlaw.com"](#)  
**Cc:** ["Jonathan Goldstein"](#); ["Britain Henry"](#); ["Gore, John M."](#); ["Kathleen Gallagher"](#); ["Russell Giancola"](#); ["tking@dmkcq.com"](#); ["tbreth@dmkcq.com"](#); ["msowardsnewton@jonesday.com"](#); ["scrosland@jonesday.com"](#); ["jmasterman@cooperkirk.com"](#)  
**Subject:** #EXT# RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)  
**Date:** Thursday, May 26, 2022 4:47:30 PM

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## #External Email#

Please see below –

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court’s May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, “You”) the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?  
Since the implementation of both mail-in and absentee ballots in 2020, it has been the policy to date stamp ballots when received by the Westmoreland County Election Bureau.
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes.**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Yes.**

4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or 64
  - b. Contained an incorrect or incomplete date? 5
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
 

The ballots have not been counted.

  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
 

In light of pending litigation in multiple courts, the guidance will not be followed.
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and Yes
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022. Yes

---

**From:** Hicks, Ronald L., Jr. [mailto:RHicks@porterwright.com]

**Sent:** Wednesday, May 25, 2022 7:30 PM

**To:** 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'kromano@attorneygeneral.gov' <kromano@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'andrew.szefi@alleghenycounty.us' <andrew.szefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'gfedeles@beavercountypa.gov' <gfedeles@beavercountypa.gov>; 'nmorgan@beavercountypa.gov' <nmorgan@beavercountypa.gov>; 'dcrabtree.kclaw@comcast.net' <dcrabtree.kclaw@comcast.net>; 'csadler@countyofberks.com' <csadler@countyofberks.com>; 'cschnee@countyofberks.com' <cschnee@countyofberks.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'Jonathan.Jr@fosterslawfirm.com' <Jonathan.Jr@fosterslawfirm.com>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'WWhite@co.butler.pa.us' <WWhite@co.butler.pa.us>; 'wgbarbin@atlanticbb.net' <wgbarbin@atlanticbb.net>; 'ewtompkinslaw@gmail.com' <ewtompkinslaw@gmail.com>; 'dam@gmlawoffices.com' <dam@gmlawoffices.com>; 'bdupuis@babstcalland.com' <bdupuis@babstcalland.com>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'Info@VariLaw.com' <Info@VariLaw.com>; 'lec@crwlaw.net' <lec@crwlaw.net>; 'ajm@mmkllp.com' <ajm@mmkllp.com>; 'kbutton@shaferlaw.com' <kbutton@shaferlaw.com>; 'solicitor@ccpa.net' <solicitor@ccpa.net>; 'jcurcillo@dauphincounty.gov' <jcurcillo@dauphincounty.gov>;

'martinw@co.delaware.pa.us' <martinw@co.delaware.pa.us>; 'twagner@mwbklaw.com' <twagner@mwbklaw.com>; 'jackpurcell146@gmail.com' <jackpurcell146@gmail.com>; 'attorneys@sbglawoffice.com' <attorneys@sbglawoffice.com>; 'Jerrolsulcove@blackanddavis.com' <Jerrolsulcove@blackanddavis.com>; 'dsslw@dsslwlaw.com' <dsslw@dsslwlaw.com>; 'pmcmanamon@penn.com' <pmcmanamon@penn.com>; 'mtb@bwlaw120.com' <mtb@bwlaw120.com>; 'cjz@zwick-law.com' <cjz@zwick-law.com>; 'dzagurskie@juniataco.org' <dzagurskie@juniataco.org>; 'RuggieroF@lackawannacounty.org' <RuggieroF@lackawannacounty.org>; 'Fredericksond@lackawannacounty.org' <Fredericksond@lackawannacounty.org>; 'jepfursich@co.lancaster.pa.us' <jepfursich@co.lancaster.pa.us>; 'tleslie@co.lawrence.pa.us' <tleslie@co.lawrence.pa.us>; 'warner@buzgondavis.com' <warner@buzgondavis.com>; 'dmbesq@ptd.net' <dmbesq@ptd.net>; 'Romilda.Crocamo@luzernecounty.org' <Romilda.Crocamo@luzernecounty.org>; 'dsmith@mcclaw.com' <dsmith@mcclaw.com>; 'thecclarkefirm@yahoo.com' <thecclarkefirm@yahoo.com>; 'wjmpc1@gmail.com' <wjmpc1@gmail.com>; 'ssnook@bmzlaw.com' <ssnook@bmzlaw.com>; 'john@matergiadunn.com' <john@matergiadunn.com>; 'jstein1@montcopa.org' <jstein1@montcopa.org>; 'pnewcome@montcopa.org' <pnewcome@montcopa.org>; 'info@mmdplaw.com' <info@mmdplaw.com>; 'mrudas@northamptoncounty.org' <mrudas@northamptoncounty.org>; 'fwgarrigan@gmail.com' <fwgarrigan@gmail.com>; 'wrb@pa.net' <wrb@pa.net>; 'cweed@kfblawoffice.com' <cweed@kfblawoffice.com>; 'tom@410ross.com' <tom@410ross.com>; 'clawoff@hotmail.com' <clawoff@hotmail.com>; 'mpbarbera@barberalaw.com' <mpbarbera@barberalaw.com>; 'krllaw@epix.net' <krllaw@epix.net>; 'cgabriel@cfwwg.com' <cgabriel@cfwwg.com>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>; 'rwinkler@zoominternet.net' <rwinkler@zoominternet.net>; 'contact@theschmidtlawfirm.com' <contact@theschmidtlawfirm.com>; 'jpggrimm@vorys.com' <jpggrimm@vorys.com>; 'wkay@waynecountypa.gov' <wkay@waynecountypa.gov>; solicitor <solicitor@co.westmoreland.pa.us>; 'krllaw@epix.net' <krllaw@epix.net>; 'plitwin@epix.net' <plitwin@epix.net>; 'tgates@pa.gov' <tgates@pa.gov>; 'mfischer@attorneygeneral.gov' <mfischer@attorneygeneral.gov>; 'jboyer@attorneygeneral.gov' <jboyer@attorneygeneral.gov>; 'mmudd@adamscounty.us' <mmudd@adamscounty.us>; 'aszefi@alleghenycounty.us' <aszefi@alleghenycounty.us>; 'aopsitnick@opsitnickslaw.com' <aopsitnick@opsitnickslaw.com>; 'nkarn@blairco.org' <nkarn@blairco.org>; 'amfitzpatrick@buckscounty.org' <amfitzpatrick@buckscounty.org>; 'ddgrieser@buckscounty.org' <ddgrieser@buckscounty.org>; 'nforzato@chesco.org' <nforzato@chesco.org>; 'cfrens@chesco.org' <cfrens@chesco.org>; 'NMCentrella@duanemorris.com' <NMCentrella@duanemorris.com>; 'JMParks@duanemorris.com' <JMParks@duanemorris.com>; 'maronchick@hangley.com' <maronchick@hangley.com>; 'Rsantee@northamptoncounty.org' <Rsantee@northamptoncounty.org>; 'Mvargo@northamptoncounty.org' <Mvargo@northamptoncounty.org>; 'jdewald@mpvhlaw.com' <jdewald@mpvhlaw.com>

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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

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*Westmoreland County Information Systems - Ext. 4145*

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?

6. Did You receive copies of the following guidance:
- a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**Ronald L. Hicks, Jr.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

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Mercer, Jeremy A. <JMercer@porterwright.com>

**Subject:** Re: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Mr. Hicks:

Attached please find further clarification of the

position of the Luzerne County Board of Elections and Registration ("Board") regarding this matter. Given this clarification, I ask that you amend paragraph 21 of the proposed stipulation of facts.

As noted previously, the Board takes no position on the underlying question in this matter or on any proposed intervention.

If you have any questions, please do not hesitate to contact me.

Joseph M Cosgrove\*

Selingo Guagliardo LLC

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Kingston PA 18704

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\*retired judge of Commonwealth Court

and the Court of Common Pleas of the 11<sup>th</sup> Judicial District

\*\*\*\*\*

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Here is the version of Ex. 1 as of 10:00 a.m.. As we get additional responses, we will add them to this exhibit.

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

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<[melvinn@epix.net](mailto:melvinn@epix.net)>; 'jcosgrove@getyourselfagoodlawyer.com'  
<[jcosgrove@getyourselfagoodlawyer.com](mailto:jcosgrove@getyourselfagoodlawyer.com)>; 'avclarke@mckeancountypa.org'  
<[avclarke@mckeancountypa.org](mailto:avclarke@mckeancountypa.org)>; 'maronchick@hangley.com' <[maronchick@hangley.com](mailto:maronchick@hangley.com)>;  
'Rsantee@northamptoncounty.org' <[Rsantee@northamptoncounty.org](mailto:Rsantee@northamptoncounty.org)>;  
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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Here are exhibits 2 through 6 to the stipulation. Exhibit 1 will be forwarded momentarily.

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**From:** Hicks, Ronald L., Jr.

**Sent:** Friday, May 27, 2022 9:29 AM

**To:** 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>; 'WWhite@co.butler.pa.us' <[WWhite@co.butler.pa.us](mailto:WWhite@co.butler.pa.us)>; 'wgbarbin@atlanticbb.net' <[wgbarbin@atlanticbb.net](mailto:wgbarbin@atlanticbb.net)>; 'ewtompkinslaw@gmail.com' <[ewtompkinslaw@gmail.com](mailto:ewtompkinslaw@gmail.com)>; 'lec@crwlaw.net' <[lec@crwlaw.net](mailto:lec@crwlaw.net)>; 'solicitor@ccpa.net' <[solicitor@ccpa.net](mailto:solicitor@ccpa.net)>; 'twagner@mwbklaw.com' <[twagner@mwbklaw.com](mailto:twagner@mwbklaw.com)>; 'attorneys@sbglawoffice.com' <[attorneys@sbglawoffice.com](mailto:attorneys@sbglawoffice.com)>; 'jim@dsslayers.com' <[jim@dsslayers.com](mailto:jim@dsslayers.com)>; 'ssnook@bmzlaw.com' <[ssnook@bmzlaw.com](mailto:ssnook@bmzlaw.com)>; 'fxoconnor@frontiernet.net' <[fxoconnor@frontiernet.net](mailto:fxoconnor@frontiernet.net)>; 'wkay@waynecountypa.gov' <[wkay@waynecountypa.gov](mailto:wkay@waynecountypa.gov)>; 'tgates@pa.gov' <[tgates@pa.gov](mailto:tgates@pa.gov)>; 'mfischer@attorneygeneral.gov' <[mfischer@attorneygeneral.gov](mailto:mfischer@attorneygeneral.gov)>; 'jboyer@attorneygeneral.gov' <[jboyer@attorneygeneral.gov](mailto:jboyer@attorneygeneral.gov)>; 'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'aszefi@alleghenycounty.us' <[aszefi@alleghenycounty.us](mailto:aszefi@alleghenycounty.us)>; 'aopsitnick@opsitnickslaw.com' <[aopsitnick@opsitnickslaw.com](mailto:aopsitnick@opsitnickslaw.com)>; 'ckauffman@countyofberks.com' <[ckauffman@countyofberks.com](mailto:ckauffman@countyofberks.com)>; 'nkarn@blairco.org' <[nkarn@blairco.org](mailto:nkarn@blairco.org)>; 'amfitzpatrick@buckscounty.org' <[amfitzpatrick@buckscounty.org](mailto:amfitzpatrick@buckscounty.org)>; 'ddgrieser@buckscounty.org' <[ddgrieser@buckscounty.org](mailto:ddgrieser@buckscounty.org)>; 'jvanderkam@stuckertyates.com' <[jvanderkam@stuckertyates.com](mailto:jvanderkam@stuckertyates.com)>; 'nforzato@chesco.org' <[nforzato@chesco.org](mailto:nforzato@chesco.org)>; 'cfrens@chesco.org' <[cfrens@chesco.org](mailto:cfrens@chesco.org)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>; 'kbutton@shaferlaw.com' <[kbutton@shaferlaw.com](mailto:kbutton@shaferlaw.com)>; 'NMCentrella@duanemorris.com' <[NMCentrella@duanemorris.com](mailto:NMCentrella@duanemorris.com)>; 'JMParks@duanemorris.com' <[JMParks@duanemorris.com](mailto:JMParks@duanemorris.com)>; 'elliottsulcove@blackanddavisson.com' <[elliottsulcove@blackanddavisson.com](mailto:elliottsulcove@blackanddavisson.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'skeegan@babstcalland.com' <[skeegan@babstcalland.com](mailto:skeegan@babstcalland.com)>; 'ajewart@babstcalland.com' <[ajewart@babstcalland.com](mailto:ajewart@babstcalland.com)>; 'bdupuis@babstcalland.com' <[bdupuis@babstcalland.com](mailto:bdupuis@babstcalland.com)>; 'skeegan@babstcalland.com' <[skeegan@babstcalland.com](mailto:skeegan@babstcalland.com)>; 'ajewart@babstcalland.com' <[ajewart@babstcalland.com](mailto:ajewart@babstcalland.com)>

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Good morning, everyone.

Attached is the draft stipulation for your review and comment. We are still putting together the proposed exhibits. In the meantime, please let us know what comments you have and whether your clients agree with the stipulation.

Best regards,

---

**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Thursday, May 26, 2022 8:26 PM

**To:** 'Jonathan.Jr@fosterslawfirm.com' <[Jonathan.Jr@fosterslawfirm.com](mailto:Jonathan.Jr@fosterslawfirm.com)>;

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'ssnook@bmzlaw.com' <[ssnook@bmzlaw.com](mailto:ssnook@bmzlaw.com)>; 'fxoconnor@frontiernet.net'  
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'mmudd@adamscounty.us' <[mmudd@adamscounty.us](mailto:mmudd@adamscounty.us)>; 'aszefi@allegHENYcounty.us'  
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<[anorfleet@laverylaw.com](mailto:anorfleet@laverylaw.com)>; 'cgabriel@cfwwg.com' <[cgabriel@cfwwg.com](mailto:cgabriel@cfwwg.com)>;  
'jdewald@mpvhlaw.com' <[jdewald@mpvhlaw.com](mailto:jdewald@mpvhlaw.com)>; 'wkay@waynecountypa.gov'  
<[wkay@waynecountypa.gov](mailto:wkay@waynecountypa.gov)>; 'mguiddy@co.westmoreland.pa.us'  
<[mguiddy@co.westmoreland.pa.us](mailto:mguiddy@co.westmoreland.pa.us)>; 'tking@dmkcg.com' <[tking@dmkcg.com](mailto:tking@dmkcg.com)>;  
'tbreth@dmkcg.com' <[tbreth@dmkcg.com](mailto:tbreth@dmkcg.com)>; 'kag@glawfirm.com' <[kag@glawfirm.com](mailto:kag@glawfirm.com)>;  
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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Good evening, Solicitors and Counsel.

Thank you for your responses. If you have not responded to the below message or the one sent by Dr. Oz's attorneys, we ask that you please do so before 10:00 p.m. this evening.

Also, we are assimilating the information that has been provided to date and will send out tomorrow morning by 9:00 a.m. a draft fact stipulation. Your prompt response or comments to this stipulation will be much appreciated.

Best regards,

## **RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

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**From:** Hicks, Ronald L., Jr. <[RHicks@porterwright.com](mailto:RHicks@porterwright.com)>

**Sent:** Wednesday, May 25, 2022 7:30 PM

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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:

- i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court's May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

Porter Wright Morris & Arthur LLP

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## Confirmation



Williams, Denise <Denise.Williams@luzernecounty.org>

Reply all |

Today, 10:53 AM

Joseph Cosgrove; Election Board Distribution Group <ElectionBoard@LuzerneC

Inbox

Dear Attorney Cosgrove,

The Luzerne County Board of Elections and Registration is complying with the instructions in the May 24, 2022 Absentee/Mail-In Ballot Return Guidance of the Department of State by counting but segregating absentee and mail-in ballots that lack a voter-provided date on the outer envelope and providing separate vote tallies to the Department of State.

Sincerely,

Denise Williams  
Chair, Luzerne County Board of Elections & Registration

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**From:** Jonathan Foster Jr. <jonathan.jr@fosterslawfirm.com>

**Sent:** Friday, May 27, 2022 11:19 AM

**To:** 'Hicks, Ronald L., Jr.' <RHicks@porterwright.com>

**Cc:** 'Jonathan Goldstein' <jgoldstein@goldsteinlp.com>; 'Britain Henry' <bhenry@goldsteinlp.com>; 'Gore, John M.' <jmgore@jonesday.com>; 'Kathleen Gallagher' <kag@glawfirm.com>; 'Russell Giancola' <rdg@glawfirm.com>; tking@dmkcq.com; tbreth@dmkcq.com; msowardsnewton@jonesday.com; scrosland@jonesday.com; Joseph Masterman <jmasterman@cooperkirk.com>

**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Attorney Hicks,

Please see the responses of Bradford County.

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary? **Yes.**
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process? **This procedure has been in place for over 15 years.**
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if “yes,” what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date? **Yes.**
3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date? **Yes.**
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery

deadline that were:

- a. Missing a voter-provided date; or **23**
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots? **No.**
- a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when? **No, we have complied with the segregation guidance; We are not counting the ballots as we do not believe this is consistent with Pennsylvania Law.**
6. Did You receive copies of the following guidance: **Yes to both.**
- a. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

Sincerely,  
Jonathan Foster Jr.  
Bradford County Solicitor

**Jonathan P. Foster, Jr., Esquire**  
**FOSTER LAW OFFICE**  
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**From:** Hicks, Ronald L., Jr. [<mailto:RHicks@porterwright.com>]

**Sent:** Thursday, May 26, 2022 8:26 PM

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**Subject:** RE: McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

Good evening, Solicitors and Counsel.

Thank you for your responses. If you have not responded to the below message or the one sent by Dr. Oz's attorneys, we ask that you please do so before 10:00 p.m. this evening.

Also, we are assimilating the information that has been provided to date and will send out tomorrow morning by 9:00 a.m. a draft fact stipulation. Your prompt response or comments to this stipulation will be much appreciated.

Best regards,

## **RONALD L. HICKS, JR.**

Pronouns: he / him / his

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**Subject:** McCormick v. Chapman, No. 286 MD 2022 (Pa. Commw. Ct. 2022)

**Importance:** High

Dear Solicitors and Counsel:

In order to prepare the joint fact stipulation required by Paragraph 7 of the Commonwealth Court's May 25, 2022 Order, please send us a reply email message which answers for your County Board of Elections (hereinafter, "You") the following questions as they relate to the May 17, 2022 Primary:

1. Did you receipt stamp all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline for the May 17, 2022 Primary?
  - a. If your answer to Question 1 is in the affirmative, when did you first institute this process?
  - b. If your answer to Question 1 is in the negative,
    - i. Did you have a process or procedure that You used to record the date and time when an absentee or mail-in ballots was received for the May 17, 2022 Primary, and if "yes," what was that process?
    - ii. Was that the process or procedure You used for all absentee or mail-in ballots that were received before the 8:00 p.m. election day delivery deadline?
2. Did You receive before the 8:00 p.m. election day delivery deadline any absentee or mail-in ballots that were missing a voter-provided date or contained an incorrect or incomplete date?

3. If your answer to Question 2 is in the affirmative, have you segregated the absentee or mail-in ballots that You received before the 8:00 p.m. election day deadline and that are missing a voter-provided date or contain an incorrect or incomplete date?
4. If your answer to Question 2 is in the affirmative, how many absentee or mail-in ballots were received by You before the 8:00 p.m. election day delivery deadline that were:
  - a. Missing a voter-provided date; or
  - b. Contained an incorrect or incomplete date?
5. As for the ballots identified in your answer to Questions 2 through 4, have You canvassed and counted those ballots?
  - a. If your answer to this question is in the affirmative, then:
    - i. Have you included the vote count from those ballots in Your unofficial results reported to the Department of State on or before the 5:00 p.m., May 24, 2022 deadline; or
    - ii. Have you segregated the vote count from those ballots and reported them separately to the Department of State?
  - b. If your answer to this question is in the negative, then do You intend to comply with the count and segregate guidance in Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022, and if so, when?
6. Did You receive copies of the following guidance:
  - a. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated September 11, 2020; and
  - b. Pennsylvania Department of State’s Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022.

To comply with the Court’s May 27, 2022, noon deadline, your reply email response by 5:00 p.m. EDT tomorrow, May 26, 2022, is much appreciated.

Best regards,

**RONALD L. HICKS, JR.**

Pronouns: he / him / his

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My apologies for the late response below – from Northumberland County.

We have not other comments on the draft stipulation. Thank you for updating based upon the responses for our other counties.

Betsy

<b>Elizabeth (Betsy) A. Dupuis (she/her/hers)</b> Attorney at Law <a href="mailto:bdupuis@babstcalland.com">bdupuis@babstcalland.com</a>	
<b>Babst Calland</b> Attorneys at Law	330 Innovation Blvd., Suite 302 State College, PA 16803 O 814.867.8055 D 814.235.8421 C 814.883.4117 F 814.867.8051 <a href="http://www.babstcalland.com">www.babstcalland.com</a>

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**From:** Savidge, Nathan <[nathan.savidge@norrycopa.net](mailto:nathan.savidge@norrycopa.net)>  
**Sent:** Friday, May 27, 2022 11:07 AM  
**To:** Dupuis, Betsy <[BDupuis@babstcalland.com](mailto:BDupuis@babstcalland.com)>  
**Cc:** Garrigan, Frank <[frank.garrigan@norrycopa.net](mailto:frank.garrigan@norrycopa.net)>  
**Subject:** Recount

ATTENTION: Email sent from outside Babst Calland.

Attorney Dupuis,

Northumberland County does not have undated ballots, and will also follow the DOS guidance as of 5/24/2022. Is this helpful?

Thanks

**Nathan Savidge, Chief Registrar**  
**Northumberland County Board of Elections**  
**320 N. 2<sup>nd</sup> St. Suite 1**  
**Sunbury, PA 17801**  
**P: 570.988.4208**  
**F: 570.988.4306**

\*\*\*\*\*

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# EXHIBIT 2





# **GUIDANCE CONCERNING EXAMINATION OF ABSENTEE AND MAIL-IN BALLOT RETURN ENVELOPES**

**Date: May 24, 2022**

**Version: 2.0**

May 24, 2022

## Background

On May 19, 2022, the U.S. Court of Appeals for the Third Circuit issued a judgment and order in *Migliori, et al. v. Lehigh County Board of Elections, et al.*, No. 22-1499. Citing the “materiality” provision of the federal Civil Rights Act of 1964 (52 U.S.C. § 10101(a)(2)(B)), the Court of Appeals held that undated ballots cast in Lehigh County in the November 2021 election must be counted. It held that there is no basis to refuse to count the undated ballots because “inasmuch as there is no dispute that ballots that have the wrong date were counted in the [Lehigh] election . . . , the dating provisions contained in the [Pennsylvania Election Code] are immaterial.” Subsequent to that judgment, on May 19, the Department of State (Department) asked counties to segregate undated or incorrectly dated ballot return envelopes in anticipation of further guidance from the department.

Though the *Migliori* judgment was issued in the context of the November 2021 election in Lehigh County, it has been the Department’s position that ballots that appear to have “incorrect” dates must be counted. Now, in light of the conclusion of the Third Circuit in *Migliori* it is the Department’s position that ballots with an undated return envelope must also be counted for the May 17, 2022, Primary. However, out of an abundance of caution the Department advises, that those ballots should be segregated and remain segregated from all other voted ballots during the process of canvassing and tabulation. In other words, those ballots with undated ballot return envelopes or with incorrectly dated ballot return envelopes that have been set aside, should continue to be maintained, preserved, and appropriately logged pending litigation, which we anticipate will be undertaken on an expedited basis. A determination on whether the segregated tabulations will be used in certifying elections has not yet been made, given the ongoing litigation.

Counties should further segregate the ballots in question into two categories:

1. Undated.
2. Dated with an “incorrect” date.

Like the pre-canvass and canvass of absentee and mail-in ballots last week, the canvass of the undated ballot return envelopes and any incorrectly dated ballot return envelopes that were set aside must be conducted in an open meeting:

- One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the ballots are canvassed.
- No challenges by authorized representatives or any third party are permitted during canvass of the mail-in and absentee ballots.
- To facilitate transparency and ensure that all validly cast ballots are counted, it is critically important that county boards maintain accurate records of the disposition of ballots received during this period as directed below.

## Canvass Procedures

The guidance concerning mail-in and absentee ballots previously provided by the Department on [September 28, 2020](#), continues to apply unless otherwise specified herein.

The county board of elections shall canvass segregated absentee and mail-in ballots that were previously set aside due to being undated or incorrectly dated.

The canvass meeting shall continue until all segregated absentee and mail-in ballots have been canvassed.

The county board of elections shall examine the voter declaration on each envelope to ensure that it is signed and verify that the voter's name appears on the approved list of mail-in and absentee voters.

Please keep in mind that the county board of elections should continue to set aside and not open or count any of the following:

- Ballots cast by any voter who died prior to the opening of the polls on May 17, 2022.
- Ballots that were received after 8:00 p.m. on May 17, 2022.
- Ballots with a missing signature on the Declaration Envelope.
- Ballots that lack the inner secrecy envelope.
- Ballots where the inner secrecy envelope contains any text, mark, or symbol which reveals the identity of the voter or the voter's candidate preference.

Additionally, the county board of elections should not open or count any ballots pending ID verification as follows:

- If proof of identification for an absentee or mail-in voter was not received or could not be verified, the ballot should not be counted unless the elector provided proof of identification, that can be verified by the county board, by the sixth calendar day following the Primary or on or before Monday, May 23<sup>rd</sup>.

Other than ballots falling into one of the categories set forth above, mail-in and civilian absentee ballots that comply with the Election Code and the Department's prior guidance shall be canvassed as follows:

- Ballots on which the Declaration Envelopes are signed are valid and must be counted.
- Ballots that are signed and either undated or incorrectly dated are valid and must be counted.
- County boards of elections must maintain separate counts for undated and incorrectly dated ballots.

# EXHIBIT 3

TLP: WHITE



**GUIDANCE CONCERNING EXAMINATION OF ABSENTEE AND  
MAIL-IN BALLOT RETURN ENVELOPES**

**Date: September 11, 2020**

**Version: 1.0**

# EXAMINATION OF ABSENTEE AND MAIL-IN BALLOT RETURN ENVELOPES

## 1 BACKGROUND:

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The Pennsylvania Election Code describes processes that a qualified voter follows to apply for, receive, complete and timely return an absentee or mail-in ballot to their county board of election. These processes include multiple secure methods used by the voter's county board of election to verify that the qualified voter's absentee or mail-in application is complete and that the statutory requirements are satisfied. These include voter identification verification confirmed by either a valid driver's license number, the last four digits of the voter's social security number or other valid photo identification, and unique information on the application including the voter's residence and date of birth. Before sending the ballot to the applicant, the county board of elections confirms the qualifications of the applicant by verifying the proof of identification and comparing the information provided on the application with the information contained in the voter record. If the county is satisfied that the applicant is qualified, the application must be approved. This approval shall be final and binding, except that challenges may be made only on the grounds that the applicant was not a qualified voter, and those challenges must be made to the county prior to five o'clock p.m. on the Friday prior to the election.

Once the qualified voter's absentee or mail-in application is approved, the voter is mailed a ballot with instructions and two envelopes. The outer envelope includes both a unique correspondence ID barcode that links the envelope to the qualified voter's application and a pre-printed Voter's Declaration that the voter must sign representing that the voter is qualified to vote the enclosed ballot and has not already voted. This Guidance addresses the examination of the Voter's Declaration on the ballot return envelope. This Guidance assumes that the voter has satisfactorily completed the steps described above as to application for, receipt and return of an absentee or mail-in ballot.

## 2 RECORDING THE DATE, RETURN METHOD AND BALLOT STATUS FOR RETURNED BALLOTS:

---

County boards of elections should have processes in place to record the date, return method, and ballot status for all voted ballots received. County boards of elections must store and maintain returned ballots in a secure location until the ballots may be pre-canvassed or canvassed.

The county board of elections should stamp the date of receipt on the ballot-return. County boards of elections should record the receipt of absentee and mail ballots daily in the SURE system. To record a ballot as returned, the staff should scan the correspondence ID barcode on the outside of the envelope. The correspondence ID on the envelope is unique to each absentee or mail-in voter and each issuance of a ballot to a voter. Once a correspondence ID has been returned in the SURE system, it cannot be returned again. Further, if a ballot issuance record is cancelled by the county board of elections (e.g. voided to reissue a replacement ballot) in the SURE system, the correspondence ID on the cancelled ballot will become invalid. If the same barcode is subsequently scanned, the SURE system will not allow the returned ballot to be marked as being approved for counting.

The county boards of elections should record the date the ballot is received (not the date that the returned ballot is processed). In the event a county board of elections is entering the ballot on a date other than the date the ballot was received, the county personnel should ensure that the SURE record reflects the date of receipt, rather than the date of entry, since by default, SURE will automatically populate both the 'Date Received' and 'Vote Recorded' fields with the current date and time unless users manually correct the date to reflect the date received.

### 3 EXAMINATION OF DECLARATION ON BALLOT RETURN ENVELOPES:

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The county board of elections is responsible for approving ballots to be counted during pre-canvassing.

To promote consistency across the 67 counties, the county boards of elections should follow the following steps when processing returned absentee and mail-in ballots.

After setting aside ballots of elector's who died prior to the opening of the polls, the county board of elections shall examine the Voter's Declaration on the outer envelope of each returned ballot and compare the information on the outer envelope, i.e., the voter's name and address, with the information contained in the "Registered Absentee and Mail-in Voters File, the absentee voter's list and/or the Military Veterans' and Emergency Civilians Absentee Voters File."

If the Voter's Declaration on the return envelope is blank, that ballot return envelope must be set aside and not counted. If the board determines that a ballot should not be counted, the final ballot disposition should be noted in SURE. The ballot return status (Resp Type) should be noted using the appropriate drop-down selection.

If the Voter's Declaration on the return envelope is signed and the county board is satisfied that the declaration is sufficient, the mail-in or absentee ballot should be approved for canvassing unless challenged in accordance with the Pennsylvania Election Code.

The Pennsylvania Election Code does not authorize the county board of elections to set aside returned absentee or mail-in ballots based solely on signature analysis by the county board of elections.

Version	Date	Description	Author
1.0	9.11.2020	Initial document release	

# EXHIBIT 4





**ORDER OF RECOUNT  
FOR THE REPUBLICAN PRIMARY FOR UNITED STATES SENATOR**

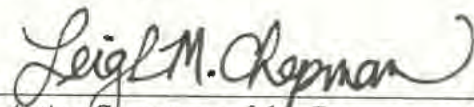
Based on the unofficial returns for the General Primary held May 17, 2022 that have been submitted to the Department of State by the 67 county boards of elections pursuant to Section 1404(f) of the Pennsylvania Election Code (25 P.S. § 3154(f)), it appears that a candidate in the Republican Primary for the office of United States Senator was defeated by one-half of a percent or less of the votes cast for the office, and the defeated candidate did not request that a recount not be made under Section 1404(h) of the Election Code (25 P.S. § 3154(h)).

Therefore, in accordance with Section 1404(g)(1) of the Election Code (25 P.S. § 3154(g)(1)), I hereby **ORDER** a statewide recount of the entire vote cast in the **Republican Primary for the office of United States Senator** to be conducted by the county boards of elections. The recount may begin as early as Friday, May 27, 2022, but must commence no later than **June 1, 2022**, and be completed by **Noon on Tuesday, June 7, 2022**. The county boards of elections must submit the results of the recount no later than **Noon on Wednesday, June 8, 2022**. See 25 P.S. § 3154(g)(5)(ii), (iii) and (6).

The county boards of elections must follow the procedures outlined in Section 1404(e) and (g) of the Election Code, the Statewide Return and Recount Directive and Procedures, and any supplemental procedures provided by the Secretary of the Commonwealth and must report the recount numbers on the Recount Tabulation Form. 25 P.S. § 3154(e) and (g). In accordance with Section 1404(e) of the Election Code, the county boards of elections must “give notice in writing to the proper custodian of voting machines, and to each candidate, and to the county chairman of each party or political body, affected by the recount or recanvass; and each such candidate may be present in person, or by attorney, and each of such parties, or bodies, may send two representatives to be present at such recount or recanvass.” 25 P.S. § 3154(e).



Witness my hand and the seal of my office  
this May 26, 2022.

  
\_\_\_\_\_  
*Acting Secretary of the Commonwealth*

# EXHIBIT 5





**DEPARTMENT OF STATE**

**MAY 26, 2022**

**DECLARATION REGARDING UNOFFICIAL RETURNS FOR THE  
GENERAL PRIMARY HELD MAY 17, 2022**

As required by Section 1404(f) of the Pennsylvania Election Code (25 P.S. § 3154(f)), the boards of elections of the 67 counties of the Commonwealth of Pennsylvania have submitted to me, in the manner I have directed, the unofficial returns of election of those public offices that have appeared on the ballot in every election district in this Commonwealth for the General Primary held on May 17, 2022. A summary of the unofficial returns reported appears as an attachment to this declaration.

Based on the unofficial returns submitted under Section 1404(f) of the Election Code, I have determined that no candidate was defeated by one-half of one percent or less of the votes cast for the following offices:

**Democratic Primary for United States Senator**  
**Democratic Primary for Governor**  
**Republican Primary for Governor**  
**Democratic Primary for Lieutenant Governor**  
**Republican Primary for Lieutenant Governor**

Consequently, under Section 1404(g) of the Pennsylvania Election Code I have no cause to order a recount of the election returns in the 67 counties for those offices.

Further, based on the unofficial returns submitted under Section 1404(f) of the Election Code, as to the **Republican Primary for United States Senator**, I have determined that one candidate was defeated by one-half of a percent or less for the office. Therefore, in accordance with Section 1404(g)(1) of the Election Code (25 P.S. § 3154(g)(1)), I have separately ordered a statewide recount of the entire vote cast for the **Republican Primary for United States Senator** to be conducted by the county boards of elections.



Witness my hand and the seal of my office  
this May 26, 2022.

*Leigt M. Repnar*

*Acting Secretary of the Commonwealth*

UNOFFICIAL RETURNS  
 2022 GENERAL PRIMARY  
 AS REPORTED ON FORM DSBE UR-CBE 05/22  
 US Senator - DEMOCRATIC

COUNTY	KHALIL ALEXANDRIA GLORIA	LAMB CONOR J	KENYATTA MALCOLM	FETTERMAN JOHN K
ADAMS	201	784	301	5,538
ALLEGHENY	2,464	67,988	6,296	117,326
ARMSTRONG	115	1,321	46	2,820
BEAVER	385	7,970	285	8,855
BEDFORD	71	325	48	1,541
BERKS	1,589	6,886	1,647	18,401
BLAIR	202	958	279	4,959
BRADFORD	136	625	116	1,814
BUCKS	4,648	20,458	5,770	41,018
BUTLER	287	5,514	243	9,033
CAMBRIA	440	2,887	367	8,700
CAMERON	17	39	8	218
CARBON	288	1,136	269	3,064
CENTRE	443	2,367	1,116	10,749
CHESTER	2,840	17,164	6,312	31,923
CLARION	67	673	41	1,358
CLEARFIELD	213	764	177	3,770
CLINTON	130	606	100	1,691
COLUMBIA	200	1,066	164	2,920
CRAWFORD	144	872	147	4,024
CUMBERLAND	712	3,703	1,422	16,565
DAUPHIN	757	3,176	3,378	18,966
DELAWARE	3,346	16,935	11,552	30,044
ELK	112	345	46	1,883
ERIE	723	3,923	1,207	23,234
FAYETTE	256	4,127	171	6,465
FOREST	6	105	4	248
FRANKLIN	268	874	403	5,896
FULTON	18	74	19	373
GREENE	90	1,300	34	1,709
HUNTINGDON	92	281	124	1,716
INDIANA	131	1,949	118	3,829
JEFFERSON	73	399	51	1,554
JUNIATA	45	138	33	847
LACKAWANNA	1,062	5,648	1,278	20,761
LANCASTER	1,291	4,767	2,753	27,340
LAWRENCE	164	2,889	148	4,313
LEBANON	238	898	443	6,282
LEHIGH	2,047	7,863	2,435	18,795
LUZERNE	1,247	5,939	1,244	18,522
LYCOMING	338	1,404	391	3,993
MCKEAN	54	222	42	1,360
MERCER	196	1,607	235	6,497
MIFFLIN	73	209	67	1,428
MONROE	727	2,529	1,467	7,221
MONTGOMERY	11,439	32,649	11,139	59,354
MONTOUR	82	348	43	930
NORTHAMPTON	1,874	7,339	2,051	17,481
NORTHUMBERLAND	318	1,169	219	3,548
PERRY	74	294	90	1,878
PHILADELPHIA	7,687	50,829	67,189	73,489
PIKE	232	581	327	2,567
POTTER	29	115	19	535
SCHUYLKILL	533	1,881	402	5,977
SNYDER	64	396	74	1,226
SOMERSET	142	936	105	3,241
SULLIVAN	31	131	23	314
SUSQUEHANNA	115	482	95	1,682
TIOGA	109	251	70	1,323
UNION	89	641	116	1,866
VENANGO	62	887	54	2,138
WARREN	67	334	54	1,896
WASHINGTON	420	7,794	320	12,794
WAYNE	136	668	146	2,283
WESTMORELAND	759	13,145	559	22,395
WYOMING	83	346	80	1,240
YORK	821	2,898	1,692	22,448
<b>PENNSYLVANIA</b>	<b>54,062</b>	<b>335,771</b>	<b>137,664</b>	<b>750,168</b>
Percent of Vote	4.231%	26.280%	10.775%	58.714%

UNOFFICIAL RETURNS  
 2022 GENERAL PRIMARY  
 AS REPORTED ON FORM DSBE UR-CBE 05/22  
 US Senator - REPUBLICAN

COUNTY	BARNETTE KATHY J	OZ MEHMET C	BOCHETTO GEORGE A	BARTOS JEFFREY A	MCCORMICK DAVID H	GALE SEAN PETER	SANDS CARLA HERD
ADAMS	4,368	5,333	120	953	4,297	118	1,487
ALLEGHENY	18,449	29,610	484	3,120	36,356	1,024	3,595
ARMSTRONG	2,251	3,404	49	307	3,833	84	487
BEAVER	3,794	5,668	97	645	6,422	193	920
BEDFORD	2,828	2,922	51	687	2,740	54	724
BERKS	13,241	12,553	377	2,049	11,321	587	1,620
BLAIR	5,167	5,970	141	2,003	5,466	127	1,195
BRADFORD	2,005	2,633	88	543	3,100	93	618
BUCKS	19,329	27,442	1,123	3,950	22,652	1,878	1,809
BUTLER	7,418	9,431	142	1,245	11,875	259	1,311
CAMBRIA	3,224	6,280	88	1,250	5,408	127	1,086
CAMERON	178	240	7	43	225	10	59
CARBON	1,677	3,010	77	367	2,799	73	290
CENTRE	4,191	4,707	119	1,173	5,221	128	1,054
CHESTER	15,660	16,736	871	2,990	18,776	2,049	1,669
CLARION	1,688	1,570	34	218	2,151	102	361
CLEARFIELD	2,917	4,116	73	726	3,954	100	859
CLINTON	1,302	1,478	37	155	1,668	44	223
COLUMBIA	1,663	2,289	53	330	4,326	207	346
CRAWFORD	3,116	3,288	98	540	3,540	136	666
CUMBERLAND	8,683	9,750	266	2,482	9,938	290	6,375
DAUPHIN	6,926	8,947	253	2,424	9,335	266	3,254
DELAWARE	11,691	16,719	1,468	2,582	18,341	1,271	1,361
ELK	1,196	1,417	37	261	1,427	37	294
ERIE	6,247	7,540	224	1,316	8,198	218	1,323
FAYETTE	2,139	4,947	53	341	3,672	144	1,546
FOREST	241	250	9	42	289	33	35
FRANKLIN	7,676	7,792	146	1,236	6,503	193	2,916
FULTON	903	763	18	129	647	21	217
GREENE	690	1,355	17	111	1,296	22	310
HUNTINGDON	2,811	1,995	63	534	2,083	50	562
INDIANA	2,538	3,536	67	412	3,975	86	544
JEFFERSON	2,527	2,094	36	325	2,236	47	456
JUNIATA	1,178	1,006	33	313	1,281	34	867
LACKAWANNA	3,274	7,465	189	475	5,510	116	583
LANCASTER	22,375	19,582	642	4,086	19,984	2,351	4,764
LAWRENCE	2,529	3,614	59	382	3,598	93	607
LEBANON	5,244	6,113	175	1,393	5,958	196	2,173
LEHIGH	8,394	9,899	313	1,536	9,876	343	1,005
LUZERNE	5,799	13,927	231	1,241	11,683	216	1,209
LYCOMING	4,461	5,919	125	596	6,896	223	842
MCKEAN	1,526	1,441	79	291	1,571	38	366
MERCER	3,991	4,029	95	526	4,295	96	712
MIFFLIN	1,654	1,762	46	482	2,378	35	769
MONROE	2,611	4,999	161	577	4,021	105	491
MONTGOMERY	27,630	22,738	892	4,828	19,227	2,921	1,450
MONTOUR	535	669	22	120	1,157	35	136
NORTHAMPTON	6,752	9,705	328	1,322	8,282	248	1,058
NORTHUMBERLAND	2,593	3,752	104	608	4,233	139	803
PERRY	2,193	2,278	48	691	2,635	75	1,254
PHILADELPHIA	5,767	10,636	2,562	1,087	7,044	405	615
PIKE	1,542	2,759	115	239	1,671	50	200
POTTER	1,058	809	28	214	876	41	260
SCHUYLKILL	3,844	7,156	167	980	6,742	183	940
SNYDER	1,805	1,618	38	301	2,220	51	449
SOMERSET	3,513	4,343	77	640	4,522	85	832
SULLIVAN	279	400	14	58	438	17	76
SUSQUEHANNA	1,651	2,094	61	229	2,212	191	281
TIOGA	1,735	1,794	79	357	2,199	70	523
UNION	1,467	1,390	46	248	2,187	51	348
VENANGO	2,167	2,042	30	316	2,622	195	439
WARREN	1,473	1,435	40	331	1,887	56	301
WASHINGTON	5,674	8,197	117	712	9,224	235	1,027
WAYNE	1,649	3,037	61	494	2,884	69	306
WESTMORELAND	10,580	16,716	211	1,471	16,969	557	2,322
WYOMING	971	1,330	36	271	1,682	26	263
YORK	14,750	18,926	396	3,644	16,429	603	5,370
<b>PENNSYLVANIA</b>	<b>331,398</b>	<b>419,365</b>	<b>14,406</b>	<b>66,548</b>	<b>418,463</b>	<b>20,220</b>	<b>73,213</b>
Percent of Vote	24.665%	31.212%	1.072%	4.953%	31.145%	1.505%	5.449%

UNOFFICIAL RETURNS  
 2022 GENERAL PRIMARY  
 AS REPORTED ON FORM DSBE UR-CBE 05/22  
 Governor - DEMOCRATIC

COUNTY	SHAPIRO JOSHUA D
ADAMS	6597
ALLEGHENY	180601
ARMSTRONG	3998
BEAVER	16318
BEDFORD	1836
BERKS	27226
BLAIR	6201
BRADFORD	2549
BUCKS	70789
BUTLER	14295
CAMBRIA	11503
CAMERON	270
CARBON	4491
CENTRE	14219
CHESTER	56978
CLARION	2004
CLEARFIELD	4684
CLINTON	2444
COLUMBIA	4172
CRAWFORD	4925
CUMBERLAND	21936
DAUPHIN	25465
DELAWARE	60604
ELK	2276
ERIE	28033
FAYETTE	10116
FOREST	346
FRANKLIN	7159
FULTON	441
GREENE	2858
HUNTINGDON	2137
INDIANA	5697
JEFFERSON	1930
JUNIATA	1020
LACKAWANNA	26951
LANCASTER	35580
LAWRENCE	7149
LEBANON	7717
LEHIGH	30439
LUZERNE	25648
LYCOMING	5879
MCKEAN	1572
MERCER	8016
MIFFLIN	1718
MONROE	11595
MONTGOMERY	113900
MONTOUR	1354
NORTHAMPTON	27822
NORTHUMBERLAND	5029
PERRY	2215
PHILADELPHIA	185187
PIKE	3568
POTTER	643
SCHUYLKILL	8299
SNYDER	1689
SOMERSET	4124
SULLIVAN	470
SUSQUEHANNA	2275
TIOGA	1661
UNION	2622
VENANGO	2990
WARREN	1272
WASHINGTON	19149
WAYNE	3116
WESTMORELAND	34499
WYOMING	1688
YORK	28771
<b>PENNSYLVANIA</b>	<b>1220725</b>
Percent of Vote	100.00%



UNOFFICIAL RETURNS  
2022 GENERAL PRIMARY  
AS REPORTED ON FORM DSBE UR-CBE 05/22  
Governor - REPUBLICAN

COUNTY	BARLETTA LOUIS	MASTRIANO DOUGLAS V	ZAMA NCHE	WHITE DAVID J	HART MELISSA A	MCSWAIN WILLIAM M	GEROW CHARLES R	GALE JOSEPH CHARLES	CORMAN JACOB DOYLE III
ADAMS	1,991	11,215	105	848	281	1,640	355	84	247
ALLEGHENY	15,661	35,660	801	7,664	12,056	17,708	541	1,081	1,531
ARMSTRONG	920	5,658	59	963	856	1,611	50	67	239
BEAVER	2,281	8,373	107	1,487	1,791	3,085	133	153	358
BEDFORD	919	5,766	31	437	243	1,943	89	45	537
BERKS	6,773	21,783	469	2,760	1,144	6,923	489	847	475
BLAIR	2,800	9,730	100	1,533	577	3,603	192	107	1,416
BRADFORD	2,437	3,833	528	455	253	1,294	67	55	89
BUCKS	14,950	30,508	1,050	7,938	2,114	14,812	929	4,286	759
BUTLER	4,360	14,796	204	3,512	3,047	4,898	153	218	474
CAMBRIA	2,174	8,338	68	1,104	584	4,087	104	103	933
CAMERON	82	332	17	36	25	168	7	14	87
CARBON	4,372	2,619	90	376	137	638	35	61	41
CENTRE	2,923	7,920	195	707	338	2,506	250	89	1,802
CHESTER	7,323	19,174	631	5,494	1,233	22,074	483	2,222	494
CLARION	473	3,505	46	401	316	1,102	43	97	133
CLEARFIELD	1,046	7,105	44	642	331	2,341	71	64	1,162
CLINTON	952	2,614	55	251	95	563	30	38	330
COLUMBIA	5,163	2,587	56	309	145	666	37	164	71
CRAWFORD	1,104	6,112	109	985	773	1,957	74	116	196
CUMBERLAND	11,242	15,887	346	2,319	637	3,449	3,193	224	659
DAUPHIN	10,816	12,561	295	2,231	646	3,012	1,173	230	520
DELAWARE	4,767	11,177	443	28,052	941	8,334	276	888	427
ELK	391	2,400	152	250	200	887	50	42	296
ERIE	4,090	10,423	347	2,644	1,608	4,783	259	208	588
FAYETTE	1,278	7,166	41	1,281	727	1,965	51	146	174
FOREST	67	465	11	102	49	144	8	33	19
FRANKLIN	2,496	20,701	127	1,014	290	1,652	185	82	228
FULTON	179	2,194	27	78	26	144	25	30	28
GREENE	507	1,955	18	399	255	574	47	31	84
HUNTINGDON	632	5,280	44	446	135	1,120	45	35	478
INDIANA	1,174	6,062	86	986	528	1,867	54	73	352
JEFFERSON	584	4,317	132	561	282	1,457	75	28	280
JUNIATA	791	2,767	74	277	59	356	62	11	357
LACKAWANNA	9,894	4,764	131	517	353	1,851	61	75	94
LANCASTER	13,755	37,904	709	5,291	1,722	9,425	1,479	2,529	1,142
LAWRENCE	1,156	5,608	59	738	1,151	1,902	52	61	196
LEBANON	4,262	10,953	155	1,804	467	2,367	735	181	380
LEHIGH	8,478	12,366	720	2,074	1,140	5,122	525	329	555
LUZERNE	24,564	7,211	144	556	361	1,904	76	67	121
LYCOMING	5,769	8,023	368	891	386	2,814	158	255	441
MCKEAN	753	3,093	151	283	360	368	87	61	163
MERCER	1,011	9,728	113	603	1,080	946	81	70	154
MIFFLIN	1,111	4,166	36	539	83	493	51	14	688
MONROE	4,781	4,871	1,175	639	245	1,114	78	114	72
MONTGOMERY	10,606	29,346	890	13,076	1,768	13,782	628	8,437	627
MONTOUR	1,153	882	28	180	68	276	26	36	32
NORTHAMPTON	7,465	10,354	1,908	1,884	659	4,462	263	266	345
NORTHUMBERLAND	5,192	4,954	104	525	222	987	70	77	179
PERRY	2,329	4,549	47	492	122	710	455	53	465
PHILADELPHIA	5,252	9,192	468	2,517	1,038	7,656	255	839	348
PIKE	1,784	3,349	125	451	179	491	47	48	73
POTTER	358	1,955	141	146	164	207	49	115	145
SCHUYLKILL	9,628	6,871	206	861	416	1,724	132	133	171
SNYDER	1,682	3,486	51	389	93	595	59	32	149
SOMERSET	1,137	7,639	64	756	616	3,176	110	63	462
SULLIVAN	422	501	22	69	30	194	5	18	21
SUSQUEHANNA	2,680	2,289	75	362	168	788	44	208	58
TIOGA	862	3,876	124	761	270	519	107	66	159
UNION	1,658	2,812	80	236	138	589	47	35	163
VENANGO	827	4,164	151	624	496	1,097	87	187	185
WARREN	394	2,729	61	339	377	1,355	56	37	153
WASHINGTON	3,725	12,322	142	2,285	2,061	3,851	115	219	411
WAYNE	3,428	3,100	92	395	209	1,140	44	47	74
WESTMORELAND	6,242	22,490	289	5,403	4,128	8,452	249	601	777
WYOMING	2,598	1,186	41	176	99	421	30	26	31
YORK	10,117	32,706	406	4,379	1,217	8,284	2,016	549	1,119
<b>PENNSYLVANIA</b>	<b>272,791</b>	<b>590,422</b>	<b>16,184</b>	<b>128,783</b>	<b>54,608</b>	<b>212,425</b>	<b>17,912</b>	<b>27,820</b>	<b>26,017</b>
Percent of Vote	20.252%	43.834%	1.202%	9.561%	4.054%	15.771%	1.330%	2.065%	1.932%

UNOFFICIAL RETURNS  
 2022 GENERAL PRIMARY  
 AS REPORTED ON FORM DSBE UR-CBE 05/22  
 Lt Governor - DEMOCRATIC

COUNTY	DAVIS AUSTIN	SOSA RAYMOND L	SIMS BRIAN
ADAMS	3,907	878	1,653
ALLEGHENY	158,563	6,211	18,536
ARMSTRONG	3,355	285	432
BEAVER	13,675	1,054	2,066
BEDFORD	1,332	209	347
BERKS	14,484	4,968	7,429
BLAIR	4,034	651	1,465
BRADFORD	1,329	404	814
BUCKS	38,089	12,982	18,977
BUTLER	11,602	854	1,833
CAMBRIA	8,801	1,153	1,958
CAMERON	166	46	54
CARBON	2,089	849	1,495
CENTRE	8,066	1,532	4,435
CHESTER	33,965	7,880	15,362
CLARION	1,578	156	316
CLEARFIELD	2,888	712	1,114
CLINTON	1,237	385	808
COLUMBIA	2,064	662	1,446
CRAWFORD	3,747	401	802
CUMBERLAND	11,435	3,029	7,003
DAUPHIN	12,125	3,266	9,627
DELAWARE	34,327	7,380	17,908
ELK	1,538	258	532
ERIE	19,779	2,292	5,393
FAYETTE	8,442	632	1,099
FOREST	263	32	50
FRANKLIN	4,072	996	1,973
FULTON	275	75	102
GREENE	2,372	189	393
HUNTINGDON	1,354	303	461
INDIANA	4,334	457	959
JEFFERSON	1,390	186	420
JUNIATA	551	202	236
LACKAWANNA	12,632	3,638	9,216
LANCASTER	17,132	5,619	11,693
LAWRENCE	5,653	531	848
LEBANON	3,894	1,102	2,511
LEHIGH	15,575	5,671	8,666
LUZERNE	13,179	3,557	8,019
LYCOMING	2,919	921	2,044
MCKEAN	1,095	149	351
MERCER	5,798	620	1,782
MIFFLIN	933	313	420
MONROE	5,631	2,094	3,550
MONTGOMERY	64,471	29,470	18,299
MONTOUR	727	242	357
NORTHAMPTON	14,558	4,544	8,142
NORTHUMBERLAND	2,545	883	1,512
PERRY	1,104	397	676
PHILADELPHIA	100,509	10,569	73,610
PIKE	1,689	577	1,265
POTTER	468	60	135
SCHUYLKILL	3,996	1,596	2,763
SNYDER	922	243	497
SOMERSET	3,172	406	690
SULLIVAN	239	113	117
SUSQUEHANNA	1,171	306	756
TIOGA	900	296	483
UNION	1,271	278	1,023
VENANGO	2,239	225	577
WARREN	1,606	189	428
WASHINGTON	16,706	1,042	2,104
WAYNE	1,555	470	1,001
WESTMORELAND	28,286	2,038	3,939
WYOMING	847	269	519
YORK	14,044	4,317	8,189
<b>PENNSYLVANIA</b>	<b>764,694</b>	<b>144,314</b>	<b>303,680</b>
Percent of Vote	63.058%	11.900%	25.042%



UNOFFICIAL RETURNS  
 2022 GENERAL PRIMARY  
 AS REPORTED ON FORM DSBE UR-CBE 05/22  
 Lt Governor - REPUBLICAN

COUNTY	SCHILLINGER CLARICE D	JONES JAMES E	SACCONE RICHARD	BROWN JOHN A	FRYE CHRISTOPHER C JR	COLEMAN JEFFREY H	DIAMOND RUSSELL H	DELOSSO CARRIE	DANIELS THEODORE
ADAMS	976	1,057	1,353	488	677	3,507	932	3,346	2,883
ALLEGHENY	3,539	2,621	32,362	793	2,774	2,723	1,258	37,055	4,763
ARMSTRONG	255	417	1,841	124	415	2,024	144	3,793	983
BEAVER	584	784	3,731	280	2,141	824	489	6,672	1,592
BEDFORD	584	707	1,201	273	353	1,167	216	3,382	1,479
BERKS	3,232	4,125	10,016	2,161	1,285	2,928	4,237	5,966	4,151
BLAIR	932	1,221	2,584	468	1,189	1,676	504	8,380	1,848
BRADFORD	1,323	973	691	408	330	913	272	2,048	1,311
BUCKS	15,219	14,196	9,451	5,607	2,256	5,421	2,727	8,867	6,283
BUTLER	1,253	1,159	6,683	494	3,360	1,669	547	10,986	3,764
CAMBRIA	1,655	1,086	2,580	375	524	1,200	369	6,982	1,785
CAMERON	36	45	99	27	17	75	19	305	87
CARBON	940	714	682	1,385	252	400	285	1,881	1,041
CENTRE	1,003	1,423	1,606	553	1,006	1,893	636	4,551	2,448
CHESTER	12,413	7,275	9,979	1,541	2,493	4,250	2,682	7,979	5,094
CLARION	207	416	905	134	430	322	95	2,764	595
CLEARFIELD	511	864	1,288	382	762	1,045	290	5,000	1,820
CLINTON	530	398	551	165	247	514	136	1,212	829
COLUMBIA	1,196	881	724	392	289	691	346	2,612	1,277
CRAWFORD	653	893	1,628	332	1,078	768	239	3,645	1,458
CUMBERLAND	2,572	2,065	2,219	542	918	15,786	2,179	6,714	2,812
DAUPHIN	2,477	1,907	1,994	616	898	7,932	4,599	6,601	2,508
DELAWARE	13,416	7,321	7,032	1,530	1,775	2,628	1,569	7,289	3,454
ELK	225	292	796	165	324	420	85	1,586	580
ERIE	1,404	1,827	3,701	618	1,288	1,486	653	10,456	1,884
FAYETTE	451	593	3,692	179	332	544	467	4,401	1,326
FOREST	33	65	154	22	73	57	15	345	92
FRANKLIN	2,008	1,859	2,075	734	876	6,068	1,201	4,582	4,526
FULTON	149	217	427	92	104	409	108	290	660
GREENE	153	196	1,007	59	127	333	58	1,252	484
HUNTINGDON	403	530	633	253	252	746	363	2,981	1,260
INDIANA	384	542	1,910	154	379	1,923	197	3,944	1,259
JEFFERSON	281	535	1,181	191	492	618	123	2,679	1,371
JUNIATA	371	335	262	161	198	1,023	313	1,037	559
LACKAWANNA	804	971	902	310	415	453	322	5,638	6,353
LANCASTER	5,017	6,544	7,892	2,140	3,301	8,511	12,315	13,016	7,970
LAWRENCE	184	314	1,174	169	5,301	204	211	2,282	776
LEBANON	495	893	710	245	456	1,196	12,521	2,581	1,536
LEHIGH	3,860	2,097	2,092	7,266	883	3,582	1,011	5,242	2,858
LUZERNE	2,451	2,601	2,173	1,228	850	1,342	896	10,490	9,266
LYCOMING	2,327	1,590	2,792	591	1,043	2,195	576	4,404	2,232
MCKEAN	357	441	814	198	253	672	141	1,273	773
MERCER	477	635	2,035	213	3,605	657	282	2,945	1,990
MIFFLIN	578	468	875	285	248	827	665	1,610	897
MONROE	1,032	964	1,024	2,357	298	546	326	2,870	2,518
MONTGOMERY	33,376	14,140	6,380	1,465	1,539	2,996	1,832	7,081	5,049
MONTOUR	253	261	214	95	129	248	97	830	304
NORTHAMPTON	2,417	2,812	1,253	12,279	523	1,271	560	2,792	1,984
NORTHUMBERLAND	1,896	992	857	465	313	1,365	672	3,400	1,410
PERRY	576	540	498	231	214	3,048	819	1,822	923
PHILADELPHIA	6,703	3,493	4,069	1,370	1,112	1,491	634	3,673	1,435
PIKE	545	380	574	232	172	184	161	683	3,156
POTTER	253	258	489	145	177	308	100	403	902
SCHUYLKILL	1,321	1,618	2,044	1,350	555	1,672	2,386	5,025	2,245
SNYDER	658	527	381	194	184	988	525	1,530	934
SOMERSET	783	856	2,068	432	426	1,128	316	5,353	1,900
SULLIVAN	154	109	89	43	45	92	47	382	194
SUSQUEHANNA	893	507	467	188	204	425	178	1,630	1,732
TIOGA	565	704	872	383	444	971	261	866	1,058
UNION	597	478	449	187	250	737	331	1,523	665
VENANGO	322	582	1,304	171	684	439	157	2,780	880
WARREN	249	381	699	145	238	414	238	2,155	716
WASHINGTON	868	999	8,984	270	672	971	462	7,501	3,113
WAYNE	536	365	402	147	138	211	174	1,798	4,340
WESTMORELAND	1,436	1,987	15,409	607	1,345	1,822	822	18,862	3,859
WYOMING	458	332	295	183	203	266	176	1,288	1,076
YORK	3,845	3,792	7,819	1,671	2,285	9,808	5,184	13,179	7,417
<b>PENNSYLVANIA</b>	<b>147,654</b>	<b>113,170</b>	<b>195,137</b>	<b>58,953</b>	<b>58,399</b>	<b>125,023</b>	<b>73,751</b>	<b>318,490</b>	<b>150,727</b>
Percent of Vote	11.895%	9.117%	15.720%	4.749%	4.705%	10.072%	5.941%	25.658%	12.143%

UNOFFICIAL RETURNS  
 2022 GENERAL PRIMARY  
 AS REPORTED ON FORM DSBE UR-CBE 05/22  
 Uncounted Absentee/Mail-ins and Provisionals

COUNTY	Absentee/Mail-In	Provisionals
ADAMS	0	0
ALLEGHENY	194	71
ARMSTRONG	0	0
BEAVER	1	0
BEDFORD	0	1
BERKS	450	815
BLAIR	7	1
BRADFORD	1	0
BUCKS	82	0
BUTLER	99	81
CAMBRIA	0	0
CAMERON	0	0
CARBON	0	0
CENTRE	61	0
CHESTER	80	6
CLARION	0	0
CLEARFIELD	0	0
CLINTON	0	0
COLUMBIA	1	20
CRAWFORD	0	0
CUMBERLAND	0	0
DAUPHIN	50	2
DELAWARE	62	409
ELK	2	0
ERIE	0	0
FAYETTE	65	32
FOREST	0	0
FRANKLIN	0	0
FULTON	0	0
GREENE	17	0
HUNTINGDON	0	0
INDIANA	0	0
JEFFERSON	0	0
JUNIATA	0	0
LACKAWANNA	0	4
LANCASTER	84	10
LAWRENCE	0	0
LEBANON	36	56
LEHIGH	0	3
LUZERNE	0	280
LYCOMING	5	1
MCKEAN	6	0
MERCER	21	1
MIFFLIN	0	0
MONROE	0	0
MONTGOMERY	169	662
MONTOUR	0	0
NORTHAMPTON	0	0
NORTHUMBERLAND	6	0
PERRY	0	9
PHILADELPHIA	3,988	1,070
PIKE	2	0
POTTER	2	0
SCHUYLKILL	43	14
SNYDER	2	0
SOMERSET	0	0
SULLIVAN	0	0
SUSQUEHANNA		
TIOGA	0	0
UNION	7	2
VENANGO	0	0
WARREN	2	0
WASHINGTON	47	0
WAYNE	6	0
WESTMORELAND	388	8
WYOMING	0	0
YORK	0	317
<b>PENNSYLVANIA</b>	<b>5,986</b>	<b>3,875</b>

# EXHIBIT 6

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

**No. 46 MM 2022**

**DAVE McCORMICK FOR U.S. SENATE, and  
DAVID H. McCORMICK,**

**Petitioners,**

**v.**

**LEIGH M. CHAPMAN, in her official capacity as  
Secretary of State for the Commonwealth,  
ADAMS COUNTY BOARD OF ELECTIONS,  
ALLEGHENY COUNTY BOARD OF ELECTIONS,  
BEAVER COUNTY BOARD OF ELECTIONS,  
BEDFORD COUNTY BOARD OF ELECTIONS,  
BERKS COUNTY BOARD OF ELECTIONS,  
BLAIR COUNTY BOARD OF ELECTIONS,  
BRADFORD COUNTY BOARD OF ELECTIONS,  
BUCKS COUNTY BOARD OF ELECTIONS,  
BUTLER COUNTY BOARD OF ELECTIONS,  
CAMBRIA COUNTY BOARD OF ELECTIONS,  
CAMERON COUNTY BOARD OF ELECTIONS,  
CARBON COUNTY BOARD OF ELECTIONS,  
CENTRE COUNTY BOARD OF ELECTIONS,  
CHESTER COUNTY BOARD OF ELECTIONS,  
CLARION COUNTY BOARD OF ELECTIONS,  
CLEARFIELD COUNTY OF ELECTIONS,  
CLINTON COUNTY BOARD OF ELECTIONS,  
COLUMBIA COUNTY BOARD OF ELECTIONS,  
CRAWFORD COUNTY BOARD OF ELECTIONS,  
CUMBERLAND COUNTY BOARD OF ELECTIONS,  
DAUPHIN COUNTY BOARD OF ELECTIONS,  
DELAWARE COUNTY BOARD OF ELECTIONS,  
ELK COUNTY BOARD OF ELECTIONS,  
FAYETTE COUNTY BOARD OF ELECTIONS,  
FOREST COUNTY BOARD OF ELECTIONS,**

**FRANKLIN COUNTY BOARD OF ELECTIONS,  
FULTON COUNTY BOARD OF ELECTIONS,  
HUNTINGDON COUNTY BOARD OF ELECTIONS,  
INDIANA COUNTY BOARD OF ELECTIONS,  
JEFFERSON COUNTY BOARD OF ELECTIONS,  
JUNIATA COUNTY BOARD OF ELECTIONS,  
LACKAWANNA COUNTY BOARD OF ELECTIONS,  
LANCASTER COUNTY BOARD OF ELECTIONS,  
LAWRENCE COUNTY BOARD OF ELECTIONS,  
LEBANON COUNTY BOARD OF ELECTIONS,  
LEHIGH COUNTY BOARD OF ELECTIONS,  
LUZERNE COUNTY BOARD OF ELECTIONS,  
LYCOMING COUNTY OF ELECTIONS,  
MCKEAN COUNTY BOARD OF ELECTIONS,  
MERCER COUNTY BOARD OF ELECTIONS,  
MIFFLIN COUNTY BOARD OF ELECTIONS,  
MONROE COUNTY BOARD OF ELECTIONS,  
MONTGOMERY COUNTY BOARD OF ELECTIONS,  
MONTOUR COUNTY BOARD OF ELECTIONS,  
NORTHAMPTON COUNTY BOARD OF ELECTIONS,  
NORTHUMBERLAND COUNTY BOARD OF ELECTIONS,  
PERRY COUNTY BOARD OF ELECTIONS,  
PIKE COUNTY BOARD OF ELECTIONS,  
POTTER COUNTY BOARD OF ELECTIONS,  
SNYDER COUNTY BOARD OF ELECTIONS,  
SOMERSET COUNTY BOARD OF ELECTIONS,  
SULLIVAN COUNTY BOARD OF ELECTIONS,  
TIOGA COUNTY BOARD OF ELECTIONS,  
UNION COUNTY BOARD OF ELECTIONS,  
VENANGO COUNTY BOARD OF ELECTIONS,  
WARREN COUNTY BOARD OF ELECTIONS,  
WASHINGTON COUNTY BOARD OF ELECTIONS,  
WAYNE COUNTY BOARD OF ELECTIONS,  
WESTMORELAND COUNTY BOARD OF ELECTIONS, and  
WYOMING COUNTY BOARD OF ELECTIONS,**

**Respondents.**

**ANSWER ON BEHALF OF BERKS COUNTY BOARD OF ELECTIONS**  
**TO DAVE McCORMICK FOR U.S. SENATE AND DAVID H.**  
**McCORMICK'S APPLICATION FOR THE COURT TO EXERCISE**  
**JURISDICTION PURSUANT TO ITS KING'S BENCH POWERS AND/OR**  
**POWERS TO GRANT EXTRAORDINARY RELIEF OVER THE**  
**PROCEEDINGS IN THE COMMONWEALTH COURT AT DOCKET NO.**  
**286 MD 2022**

Dated: May 26, 2022

*/s/ Cody L. Kauffman, Esq.*\_\_\_\_\_

**Cody L. Kauffman, Esq.**

Supreme Court I.D. No. 320506

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*For The Berks County Board of  
Elections*

## TABLE OF AUTHORITIES

### Cases

In re Canvass of Absentee & Mail-In Ballots of Nov. 3, 2020 Gen. Election,  
241 A.3d 1058, 1061–62 (Pa. 2020) . . . . . 1, 2

Migliori v. Lehigh Cnty. Bd. of Elections, No. 22-1499, Doc. 80  
(3d Cir. May 20, 2022) . . . . . 2, 3

### Statutes

25 P.S. § 3146.6 . . . . . 2

25 P.S. § 3150.16 . . . . . 2

## **BERKS COUNTY POSITION STATEMENT**

When determining whether to count mail-in and absentee ballots that are otherwise timely received, but lacking a voter-supplied date, Berks County does so in accordance with the law. The Berks County Board of Elections files this response because Berks County is not “refusing” to canvass these ballots “in violation of established federal and Commonwealth law” as Petitioner alleges. That assertion ignores the current state of Pennsylvania law, which requires mail-in and absentee ballots to be both signed and dated. While recent court orders and legal challenges have raised the question of whether undated absentee/mail-in ballots should be counted, Berks County has navigated this uncertainty by following the current state of Pennsylvania law, as we always have. In addition, the County supports having finality on the issue prior to final vote certification.

On November 23, 2020, this Honorable Court issued its opinion in the matter of In re Canvass of Absentee & Mail-In Ballots of Nov. 3, 2020 Gen. Election, 241 A.3d 1058 (Pa. 2020), which, pursuant to a 3-3-1 decision, established that, in Pennsylvania, undated mail-in/absentee ballots should be counted in the November 2020 General Election, but should not be counted in future elections as long as adequate instructions and conspicuous warnings are given to the voter. See id., at



1089.<sup>1</sup> Leading up to, and during, the May 17, 2022, General Primary election, there was little dispute between the Counties that undated absentee/mail-in ballots were not be counted in Pennsylvania. This was, and still is, reiterated on the Department of State’s website, which states “[c]omplete, sign and date the voter’s declaration on the outside of the outer return envelope. If you do not sign and date below the declaration on the return envelope your ballot will not be counted.”

On May 20, 2022, after Counties had already begun to precanvass and canvass absentee and mail-in ballots for the 2022 General Primary Election, the Third Circuit Court of Appeals issued its judgment, without opinion, in the Migliori v. Lehigh Cnty. Bd. of Elections, No. 22-1499, Doc. 80 (3d Cir. May 20, 2022) matter. While the judgment did find that the dating provisions of 25 P.S. § 3146.6 and 25 P.S. § 3150.16 were “immaterial” under federal law, no formal opinion has yet been issued by the Third Circuit to provide further clarity on the applicability of the ruling to the 2022 General Primary election or to other Counties outside of the Lehigh County judicial race at issue in that matter.

Additionally, a stay of the Third Circuit’s decision has since been requested by David Ritter, a party in the Migliori matter, who is preparing a Petition to the United States Supreme Court. Accordingly, at this time, it is not definitive, or clear,

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<sup>1</sup> This was consistent with 25 P.S. § 3146.6 and 25 P.S. § 3150.16, which require voters to “fill out, date and sign the declaration” on mail-in and absentee ballot envelopes.

that the Third Circuit's judgment in Migliori changes the status of current Pennsylvania law. Further, even if it is determined in the future that the judgment does apply to all Counties, the application for stay remains pending.

Likewise, while Petitioners have filed the instant matter pending before this Honorable Court, along with Petitioners' companion matter currently filed in the Commonwealth Court, No. 286 MD 2022, there have been no rulings or judgments in either matter that substantively change the current status of Pennsylvania law. Rather, the Petitioners' Commonwealth Court matter is currently scheduled for oral argument on May 31, 2022. A decision in either matter, or further guidance in the Migliori matter, *could* affect the current status of Pennsylvania law, but as it currently stands, Berks County believes that Pennsylvania law currently requires a mail-in/absentee ballot to be both signed and dated.

Based upon the foregoing, Berks County, like all Counties, is in a position where a decision must be made as whether to count undated absentee and mail-in ballots, while these legal challenges are pending. Consistent with the Department of State's guidance regarding undated ballots that was issued on May 24, 2022, Berks County has begun to canvass undated absentee/mail-in ballots while keeping the ballots and results segregated pending the ongoing litigation. It is important to note that the Department of State's guidance is not definitive on the issue, but rather,

acknowledges that “a determination on whether the segregated tabulations will be used in certifying elections has not yet been made, given the ongoing litigation.”

Given that the ongoing litigation, to date, has not definitively addressed or altered the current status of Pennsylvania law, it is Berks County’s intention to not count undated absentee/mail-in ballots from the 2022 General Primary election, absent further clarity or finality from the Courts that substantively changes Pennsylvania law. However, Berks County welcomes finality on the issue from this Honorable Court and, as such, the Berks County Board of Elections does not have an objection to the exercise of jurisdiction by this Honorable Court pursuant to its King’s Bench powers. In the interim, Berks County is choosing, as we always have, to follow the current state of the law. Should the law change prior to final vote certification, Berks County plans to adapt our practices accordingly.

Respectfully Submitted,

Dated: May 26, 2022

/s/ Cody L. Kauffman, Esq.  
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## **CERTIFICATE OF COMPLIANCE**

The undersigned hereby certifies 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.

Dated: May 26, 2022

*/s/ Cody L. Kauffman, Esq.*\_\_\_\_\_

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*For The Berks County Board of  
Elections*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Position Statement of the Berks County Board of Elections has been served, via electronic mail and the Court's PACFile system, to all parties and/or counsel of record on the date set forth below.

Dated: May 26, 2022

/s/ Cody L. Kauffman, Esq.

**Cody L. Kauffman, Esq.**

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