

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Autumn Williams, Abraham Daramay,	:	
and Jonathan Mark Daniels,	:	
Petitioners	:	
	:	
v.	:	No. 394 M.D. 2024
	:	Submitted: August 21, 2024
Pennsylvania Department of State and	:	
Al Schmidt, in his capacity as	:	
Secretary of the Commonwealth,	:	
Respondents	:	

BEFORE: **HONORABLE RENÉE COHN JUBELIRER**, President Judge
 HONORABLE MICHAEL H. WOJCIK, Judge
 HONORABLE STACY WALLACE, Judge¹

OPINION NOT REPORTED

MEMORANDUM OPINION BY
PRESIDENT JUDGE COHN JUBELIRER FILED: August 23, 2024

Before the Court in its original jurisdiction are the Cross-Applications for Summary Relief on the Petition for Review in the Nature of Mandamus and Declaratory Judgment (Petition) filed by Autumn Williams, Abraham Daramay, and Jonathan Mark Daniels (Petitioners), who are either presidential electors or would be a substituted presidential elector on the Nomination Papers of the political body, “Justice for All” (JFA), and related to JFA’s Presidential and Vice-Presidential Candidates Cornel West and Melina Abdullah, respectively. On August 1, 2024, the

¹ This election law matter is being considered by a special panel pursuant to Section 112(b) of this Court’s Internal Operating Procedures, 210 Pa. Code § 69.112(b) (“The President Judge may designate Judges to serve on a special court en banc or panel to hear election law matters, appellate or original jurisdiction, on an expedited basis.”).

Pennsylvania Department of State (Department) rejected the Nomination Papers because they did not include the candidate affidavits for all 19 of the presidential electors named therein. Petitioners seek an order directing the Department and Al Schmidt, Secretary of the Commonwealth (Secretary) (together, Respondents) to accept the Nomination Papers, which Petitioners argue were wrongfully rejected, maintaining this rejection was inconsistent with the Pennsylvania Election Code² (Election Code) and violated various provisions of the United States and Pennsylvania Constitutions. Respondents argue the Petition is barred under the doctrine of laches and the failure to join indispensable parties, and, if not so barred, the rejection of the Nomination Papers in this manner is supported by the Election Code and does not violate any constitutional provision.

The issues arise because under the Election Code, JFA is considered a political body, not a political party.³ A political body uses a different process for nominating

² Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2600-3591.

³ Our Supreme Court has described political parties and political bodies as follows:

The Election Code divides political groups into two categories, political parties and political bodies. A political party is a group “whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate, and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate[.]” [Section 801(a) of the Election Code,] 25 P.S. § 2831(a). A group that does not achieve this goal is labeled as a “political body.” [25 P.S.] § 2831(c).

Working Families Party v. Commonwealth, 209 A.3d 270, 273 (Pa. 2019). Minor political parties are defined by Section 801(a) or (b) (relating to county-wide political parties), that have a state-wide registration of less than 15% “of the combined State-wide registration for all State-wide political parties as of the close of the registration period immediately preceding the most recent November election.” Section 912.2(a) of the Election Code, added by Section 8 of the Act of February 19, 1986, P.L. 29, 25 P.S. § 2872.2(a). Like political bodies, minor political parties
(Footnote continued on next page...)

candidates than does a political party. “In short, a political party uses the primary election to nominate its candidate[s]; a political body nominates its candidate[s] by collecting the requisite number of signatures from electors, of any party or no party, and filing nomination papers with the Secretary” *Working Families Party v. Commonwealth*, 169 A.3d 1247, 1252 (Pa. Cmwlth. 2017) (*en banc*), *aff’d*, 209 A.3d 270 (Pa. 2019).

I. THE PETITION AND ANSWER AND NEW MATTER

Williams is a presidential elector named in the Nomination Papers and Daramay and Daniels have been designated as substitute presidential electors who will replace two of the original presidential electors who are no longer able or willing to serve in that role. (Petition ¶¶ 8, 12-13.) Petitioners aver that the Nomination Papers were timely presented to Respondents with West’s and Abdullah’s candidate affidavits attached thereto. (*Id.* ¶¶ 51-52.) The Nomination Papers did not have the candidate affidavits for the 19 presidential electors, and it was on this basis that Respondents rejected the Nomination Papers, and any attempts to cure the defect, thereby refusing to certify West and Abdullah as candidates on the ballot and precluding Petitioners from being or potentially being presidential electors. (*Id.* ¶¶ 15, 53, 59-60.) Despite disagreeing with Respondents’ interpretation of the Election Code, Williams and “People Over Party,” a Section 501(c)(4)⁴ organization engaged in ballot access initiatives that had assisted JFA in obtaining signatures, attempted to obtain candidate affidavits and, if necessary, substitute presidential electors

nominate their candidates through the nomination paper process set forth in Section 951, with some modification to reflect that they are candidates of a party. *Id.*

Petitioners’ reference to the term political party refers to “major” not “minor” political parties.

⁴ 26 U.S.C. § 501(c)(4).

between July 30, 2024, and August 1, 2024, and continues to look for presidential electors. (*Id.* ¶¶ 54-58; Petitioners’ Application for Summary Relief (Petitioners’ Appl.) ¶¶ 49-54.)

The Petition asserts four counts against Respondents. In Count I, Petitioners seek a writ of mandamus directing Respondents to perform their mandatory duty and accept the Nomination Papers that had been wrongfully rejected based on Respondents’ mistaken interpretation of the Election Code as requiring political body presidential electors to file candidate affidavits when presidential electors are not candidates for public office. (Petition ¶¶ 65, 67-89.) In Count II, Petitioners request declaratory and injunctive relief, arguing Respondents’ interpretation of the Election Code, as set forth in instructions and on the Department’s website, is not only legally erroneous and inconsistent with the Election Code but also is not binding because that interpretation was never formally promulgated as a regulation under the Regulatory Review Act.⁵ (*Id.* ¶¶ 35-37, 40, 97-105.) Finally, Petitioners seek declaratory and injunctive relief in Counts III and IV based on their contention that Respondents’ interpretation of the Election Code as requiring political body presidential electors to file candidate affidavits and the rejection of nomination papers on this basis, where no similar requirement is imposed on political party presidential electors, violates the Equal Protection Clauses of the United States Constitution, U.S. CONST. amend. XIV,⁶ and Pennsylvania Constitution, PA. CONST.

⁵ Act of June 25, 1982, P.L. 633, *as amended*, 71 P.S. §§ 745.1-745.14.

⁶ The Fourteenth Amendment states in pertinent part: “No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. CONST. amend. XIV.

art. I, § 26,⁷ and the free and equal elections clause of the Pennsylvania Constitution, PA. CONST. art. I, § 5.⁸ (Petition ¶¶ 107-31.)

Respondents filed an Answer and New Matter wherein they denied that the Nomination Papers were wrongly rejected and that their interpretation of the Election Code was erroneous or violated the United States or Pennsylvania Constitutions. As New Matter, Respondents assert, among other defenses, that the Petition should be barred under the doctrine of laches because it was filed without justification long after it was known that candidate affidavits for presidential electors were required to be submitted with the Nomination Papers and that a mandamus petition had to be filed in order to require Respondents to accept the nomination papers. (Answer and New Matter ¶¶ 135-38, 141-51, 157-59, Exhibits (Exs).) Respondents contend they are prejudiced by the delay as it prevents Secretary from certifying the ballots to the county boards of elections for printing. (*Id.* ¶ 160.)

II. THE CROSS-APPLICATIONS FOR SUMMARY RELIEF

A. Petitioners

In their Cross-Application for Summary Relief and Peremptory Judgment, Petitioners reiterate the factual allegations and legal arguments set forth in their Petition, which they assert establish a clear right to have the Nomination Papers accepted and Respondents' interpretation of the Election Code declared invalid. Petitioners argue Respondents' interpretation of the Election Code, and Section

⁷ Article I, section 26 of the Pennsylvania Constitution relevantly provides: "Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right." PA. CONST. art. I, § 26.

⁸ The free and equal elections clause states: "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." PA. CONST. art. I, § 5.

951(e), 25 P.S. § 2911(e), in particular is contrary to that section’s plain language because presidential electors would not hold “public office,” as that term has been judicially defined in Pennsylvania and in other states. They highlight that presidential electors’ names do not appear on the ballot or the Department’s candidate database and are not readily identifiable to the public elsewhere, do not file Statements of Financial Interest, serve only for a brief time, and exercise no policy making authority or perform independent duties but perform essentially a ceremonial act. (Petitioners’ Appl. ¶¶ 30-33, 39-44, 69; Petitioners’ Brief (Br.) at 7-9, 11.) Petitioners contend the conclusion that presidential electors do not hold public office is confirmed by the fact that sitting elected officials, including the Governor of Pennsylvania and State Senators, often serve as presidential electors for candidates of their party, which would be constitutionally impermissible under article II, section 6 and article IV, section 6 of the Pennsylvania Constitution, PA. CONST. art. II, § 6, art. IV, § 6, if the position of presidential elector was a public office. (Petitioners’ Appl. ¶¶ 34-38; Petitioners’ Br. at 9-11.) To the extent the Election Code contains language that can support Respondents’ contrary interpretation, Petitioners maintain this renders the Election Code ambiguous and requires, under the rules of statutory construction, a liberal reading that would protect the elective franchise. (Petitioners’ Appl. ¶ 70.)

Petitioners further assert they are entitled to summary relief on the remaining counts in the Petition because their right to relief is similarly clear. As on Count I, Petitioners contend Respondents’ interpretation of the Election Code is erroneous and their instructions based thereon are invalid as being unpromulgated regulations that are inconsistent with the statutory language upon which they are based. (*Id.* ¶¶ 78-82; Petitioners’ Br. at 12-14.) Thus, Petitioners maintain, that interpretation and

those instructions must be rejected, and the Nomination Papers accepted. With regard to their constitutional claims, Petitioners argue Respondents’ interpretation impermissibly imposes severe burdens on political bodies, and their voters, that are not imposed on political parties, and their voters, without a plausible justification to support those burdens. (Petitioners’ Appl. ¶¶ 88-91; Petitioners’ Br. at 15-16.) According to Petitioners, requiring political bodies to “jump through hoops that political parties do not” results in, effectively, the denial of equal access to the ballot for political bodies and the exercise of the franchise to those bodies’ voters. (Petitioners’ Appl. ¶¶ 93-96; Petitioners’ Br. at 16-17.)⁹

B. Respondents

Respondents, in their Cross-Application for Summary Relief, assert they have a clear right to relief to the dismissal of the Petition based on the undisputed facts and the relevant law. Respondents contend the Petition is barred by the doctrine of laches because Petitioners were on notice of the candidate affidavit requirement weeks ago and did not file the Petition until August 15, 2024, an inexcusable delay that has prejudiced Respondents due to the critical importance of timeliness in election matters which could be altered due to the inexcusable delay here. (Respondents’ Appl. for Summ. Relief (Respondents’ Appl.) ¶ 11; Respondents’ Br. at 32-35.) They further maintain the Petition should be dismissed because JFA, West, and Abdullah are indispensable parties, as their rights would be impacted by

⁹ Petitioners did not file a reply brief. Recognizing the expedited nature of this matter, and the looming statutory deadline for finalizing the ballot, the Court gave the parties until 12:00 p.m. on August 21, 2024, to file reply briefs. Petitioners requested an extension until 5:00 p.m., which, per Petitioners’ application, Respondents opposed. The Court granted the request in part, allowing the parties until 2:00 p.m. to file their briefs but not allowing for any further extensions. Respondents filed their brief in accordance with the original 12:00 p.m. time limit, Petitioners did not file a reply brief or ask for reconsideration of the extension order.

any decision on the Petition, who chose not to defend their own candidacies and have not been joined to this matter.¹⁰ (Respondents’ Appl. ¶ 12; Respondents’ Br. at 35.)

Respondents likewise assert they are entitled to summary relief in the favor on the merits because their interpretation is supported by the Election Code and is constitutionally sound, and JFA failed to submit Nomination Papers that complied with the Election Code’s requirements thereby depriving Respondents authority to accept those papers. (Respondents’ Appl. ¶¶ 6-10; Respondents’ Br. in Support at 14-16.) Respondents’ arguments in this regard track those made by Secretary in *Clymer v. Schmidt* (Pa. Cmwlth., No. 376 M.D. 2024, filed August 23, 2024), slip op. at 9-13, also involving the issues of whether political body presidential electors are candidates under the Election Code who must file candidate affidavits with their nomination papers, and if so, whether this violated the United States and Pennsylvania Constitutions. In response to the contention that presidential electors do not hold “public office,” Respondents maintain this argument disregards the Election Code’s definition of that term and relies upon cases that are neither precedential nor persuasive because they do not address the meaning of that term in the Election Code but in other Pennsylvania or extra-jurisdictional statutes. (Respondents’ Br. at 16-17.) They also argue Petitioners mistakenly equate the term

¹⁰ As a practical matter, Respondents note that, if mandamus relief was granted, the Nomination Papers would then be subject to objections, which would likely be successful “[g]iven that at least two of [JFA]’s proposed presidential electors have acknowledged not satisfying the Election Code’s disaffiliation requirement, *see* Answer [and New Matter] ¶ 143 n.4 & Exs. 7-8,” by crossing out that statement in their candidate affidavits. (Respondents’ Br. in Opposition at 8.) Such result would lead to an insufficient number of eligible presidential electors which, as a single judge of this Court held in *In re Nomination Papers of Claudia De la Cruz* (Pa. Cmwlth., No. 379 M.D. 2024, filed August 20, 2024) (Leadbetter, S.J.) (Single-Judge op.), requires the striking of the nomination papers.

“public office” from the Election Code with the term “office” used in article II, section 6 and article IV, section 6 of the Pennsylvania Constitution, but, in *Lawless v. Jubelirer*, 789 A.2d 820 (Pa. Cmwlth. 2002), this Court held that the position of state Senator was not an “office” for constitutional purposes so as to preclude a State Senator from holding that position and the position of Lieutenant Governor. Further, the concern behind those provisions, particularly article IV, section 6, was the potential use of federal positions to appoint oneself to a high state official position, *Lawless*, 789 A.2d at 830 n.7, a concern not at issue here, Respondents argue.

Respondents similarly argue that “Petitioners’ subjective assessment of candidate activities,” for example, political body presidential electors not having to file campaign finance forms with Respondents or their names not being on the ballot, are insufficient to defeat the Election Code’s plain language. (Respondents’ Br. at 17.) They further point out that no campaign finance forms would be filed with the Department, as the presidential electors would be candidates for federal office, and that if a voter decides not to vote for an entire slate of presidential electors, the voter can vote for individual presidential electors if they choose. (*Id.* at 18-19.)

According to Respondents, Petitioners’ other arguments fair no better, because the one-page affidavit requirement imposes a minimal burden, substitution of presidential electors can be made (after proper nomination) if a presidential elector subsequently changes their mind, if the Election Code is ambiguous the enforcing agency’s interpretation thereof is entitled to deference, and there was no need to promulgate any regulations because their interpretation merely construes the Election Code’s requirements, not expands them. (*Id.*) Finally, Respondents add that the state interests protected by requiring candidate affidavits of political body presidential electors is reflected in what occurred, where some of the named

presidential electors no longer desire to serve in that role, crossed out the disaffiliation requirement in the affidavit, and alleged that some presidential electors in other states were named without their knowledge. (*Id.* at 3 n.1, 19-21, 29 (citing Petition ¶ 56; Answer and New Matter ¶ 143 n.4, Exs. 7-8).) These state interests, related to the eligibility and desire of individuals to serve this role, Respondents assert, justify the minimal burden imposed on political bodies through the candidate affidavit requirement for their presidential elector candidates, particularly here where the defect was identified in July 2024 and JFA, and Williams, waited until the last possible moment to try to cure the defect. (*Id.* at 24-25, 29.) Respondents argue, as to the free and equal elections clause, that the Pennsylvania Supreme Court long ago held that requiring a candidate to complete an affidavit like the one here is not “such [a] restriction[] upon the rights of the elector as to justify the courts in declaring the act void.” (*Id.* at 30-31 (quoting *Winston v. Moore*, 91 A. 520, 523 (Pa. 1914)).)

III. DISCUSSION

A. Legal Standards

In original jurisdiction cases, this Court may grant summary relief “[a]t any time after the filing of a petition for review” “if the right of the applicant thereto is clear.” Pennsylvania Rule of Appellate Procedure 1532(b), Pa.R.A.P. 1532(b). Summary relief “may be granted if a party’s right to judgment is clear and no material issues of fact are in dispute.” *Jubelirer v. Rendell*, 953 A.2d 514, 521 (Pa. 2008) (citation and internal quotation marks omitted).

“Mandamus is an extraordinary writ ‘which will only lie to compel official performance of a ministerial act or mandatory duty where there is a clear legal right in the [petitioner], a corresponding duty in the [respondent], and want of any other

adequate and appropriate remedy.”” *Cimaszewski v. Bd. of Prob. & Parole*, 868 A.2d 416, 422 (Pa. 2005) (quoting *Bronson v. Pa. Bd. of Prob. & Parole*, 421 A.2d 1021, 1023 (Pa. 1980)). “[T]he purpose of mandamus is not to establish legal rights, but to enforce those rights which are already established.” *Clark v. Beard*, 918 A.2d 155, 159 (Pa. Cmwlth. 2007).

B. Laches

Respondents argue the Petition should be barred under the doctrine of laches given the inexcusable delay in its filing and severe prejudice imposed on Respondents, and county boards of election, by that delay. Petitioners offer no explanation for the delay in filing.

“Laches bars relief when the complaining party is guilty of want of due diligence in failing to promptly institute the action to the prejudice of another.” *Sprague v. Casey*, 550 A.2d 184, 187 (Pa. 1988). The two elements of laches are “(1) a delay arising from [a party’s] failure to exercise due diligence and (2) prejudice to the [opposing side] resulting from the delay.” *Stilp v. Hafer*, 718 A.2d 290, 293 (Pa. 1998) (citing *Sprague*, 550 A.2d at 187-88); accord *Kelly v. Commonwealth*, 240 A.3d 1255, 1256 (Pa. 2020). The correct inquiry in determining whether a party’s conduct reflected a want of due diligence focuses “**not upon what the plaintiff knows, but what he might have known, by the use of the means of information within his reach**, with the vigilance the law requires of him.” *Sprague*, 550 A.2d at 188 (quoting *Taylor v. Coggins*, 90 A. 633, 634 (Pa. 1914) (internal quotation marks omitted)) (emphasis added). “What **the law requires of petitioner is to discover those facts which were discoverable through the exercise of reasonable diligence.**” *Id.* (citing *Turtzo v. Boyer*, 88 A.2d 884 (Pa. 1952)) (emphasis added).

Petitioners acknowledge that Respondents' interpretation of the Election Code requiring political body presidential electors to file candidate affidavits was posted on the Department's website for all to view. (Petition ¶¶ 35-40.) An archived version of the Department's website reflects that the same instructions cited by Petitioners in the Petition were available as of June 26, 2024,¹¹ and that website continues to provide the same instructions.¹² Additionally, as averred in the Answer and New Matter and not disputed by Petitioners, the Department contacted JFA, via West, on July 11, 2024, that the Nomination Papers filed would not be accepted because they lacked candidate affidavits for the 19 presidential electors named therein. (Answer and New Matter ¶¶ 136-138, Ex. 2.)¹³ Per the Petition, Williams indisputably was aware of Respondents' interpretation no later than July 31, 2024, when she, along with People Over Party, attempted to obtain candidate affidavits and/or replacement presidential electors. (Petition ¶¶ 54-55.) Finally, as of August 1, 2024, Petitioners and their counsel and their counsel knew of the interpretation, that the Nomination Papers would be rejected, and that a court action would be required to direct Respondents to accept the Nomination Papers.

¹¹ See <https://web.archive.org/web/20240626005538/https://www.pa.gov/en/agencies/dos/programs/voting-and-elections/running-for-office/third-party-nomination-paperwork.html#accordian-21c3b2a9ea-item-d22dd59237> (last visited Aug. 23, 2024).

¹² See <https://www.pa.gov/en/agencies/dos/programs/voting-and-elections/running-for-office/third-party-nomination-paperwork.html> (last visited Aug. 23, 2024).

¹³ For summary relief purposes, the record "is the same as a record for purposes of a motion for summary judgment" and includes **pleadings**, depositions, answers to interrogatories, admissions, affidavits, and reports signed by expert witnesses. *Summit Sch., Inc. v. Dep't of Educ.*, 108 A.3d 192, 195-96 (Pa. Cmwlth. 2015). Pleadings include a party's answer and a response to an answer's new matter, if new matter included in the answer. Pa.R.Civ.P. 1017(a). Thus, the Court can consider new matter, to the extent it is undisputed, in deciding the applications for summary relief. *Commonwealth v. Diamond Shamrock Chem. Co.*, 391 A.2d 1333, 1336-37 (Pa. Cmwlth. 1978).

From the above facts, we conclude that Petitioners acted with a lack of due diligence in filing the Petition, 14 days after the most recent expression of Respondents’ interpretation of the Election Code, particularly where that interpretation was available for public view online even before that. A prompt exercise of due diligence would have revealed Respondents’ interpretation and required immediate filing of a statutory and constitutional challenge to that interpretation. That did not occur. Even using August 1, 2024, and the rejection of the Nomination Papers as the relevant date, there was a lack of due diligence in waiting 14 days to file the Petition. Given the abbreviated time frames and impending deadlines set forth in the Election Code, time is of the essence and requires far more prompt action than that exercised here.

We also find that Respondents are prejudiced by the delay. Secretary is required to certify the ballot in time for county boards to print and mail those ballots to military electors who are serving overseas or in isolated areas “not later than [70] days prior” to a general election. Section 1305(a) of the Election Code, 25 P.S. § 3146.5(a).¹⁴ That 70th day is August 27, 2024, a date that is 12 days from the date the Petition was filed and 4 days from the filing date of this opinion. Were Petitioners successful on the Petition in this Court (a determination subject to an as-of-right appeal to the Supreme Court), the Court would order the acceptance of the Nomination Papers and have to impose a time period for the filing and resolution of objections to those papers (also subject to an as-of-right appeal to the Supreme Court). Removing any time from this calculation makes it nearly impossible for Respondents and county boards to, respectively, timely certify, print, and mail the absentee ballots as contemplated by the Election Code, and removing almost two

¹⁴ Added by Section 11 of the Act of March 6, 1951, P.L. 3.

weeks from that timeframe almost guarantees the inability to act within those timeframes.

For these reasons, we conclude Respondents have established that Petitioners have failed to exercise due diligence and, as a result of the delay caused thereby, Respondents have been prejudiced. Therefore, the Petition is barred by the doctrine of laches.¹⁵ *Stilp*, 718 A.2d at 293.

C. Merits

Although we find the Petition barred by laches, we would grant Respondents summary relief, deny Petitioners' summary relief, and dismiss the Petition with prejudice based on the reasoning set forth in *Clymer* even if we were to address the merits. In *Clymer*, a special election panel of this Court dismissed a petition for mandamus, like this one seeking an order directing Secretary to accept nomination papers that had been rejected due to a lack of candidate affidavits for all 19 presidential electors. Therein, the panel rejected arguments that political body presidential electors are not candidates under the Election Code and did not, therefore, have to file candidate affidavits in order for the nomination papers to be accepted as to them and their associated Presidential and Vice-Presidential candidates. Although Petitioners have asserted arguments different than those raised in *Clymer*, at least in part, as to why they believe political body presidential electors

¹⁵ Respondents are correct that the failure to join indispensable parties can result in the dismissal of an action, but a court can also require that the indispensable party be joined, if possible. See Pennsylvania Rule of Civil Procedure 1032(b), Pa.R.Civ.P. 1032(b) ("Whenever it appears by suggestion of the parties . . . that there has been a failure to join an indispensable party, the court shall order that the action be transferred to a court of the Commonwealth which has jurisdiction or that the indispensable party be joined, but if that is not possible, then it shall dismiss the action.") Because we conclude that the Petition is barred by laches, we need not determine whether it would be impossible to join JFA, West, or Abdullah, or whether they are indispensable.

are not subject to the candidate affidavit provision of Section 951(e), Respondents have presented persuasive counter arguments, particularly those based on the Election Code’s specific definition of “public office” as opposed to judicial interpretations of the term as used in other statutes and in other states. Petitioners’ arguments have not convinced the Court to abandon the legal conclusions reached in *Clymer*, which are based on the Election Code’s plain language. The panel in *Clymer* also rejected the petitioners’ arguments, like those here, that this that requirement violated the United States and Pennsylvania Constitutions based on the different treatment of the presidential electors of political parties. Upon reviewing Petitioners’ and Respondents’ arguments, the Court is similarly unconvinced to deviate from *Clymer*’s constitutional reasoning.¹⁶

IV. CONCLUSION

For the foregoing reasons, Respondents’ Application for Summary Relief is granted, Petitioners’ Application for Summary Relief and Peremptory Judgment is denied, and the Petition is dismissed as being barred by laches.

RENÉE COHN JUBELIRER, President Judge

¹⁶ Because we conclude Respondents interpretation is consistent with the Election Code, Petitioners’ challenge to the instructions as being unlawful regulations fails.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Autumn Williams, Abraham Daramay,	:	
and Jonathan Mark Daniels,	:	
Petitioners	:	
	:	
v.	:	No. 394 M.D. 2024
	:	
Pennsylvania Department of State and	:	
Al Schmidt, in his capacity as	:	
Secretary of the Commonwealth,	:	
Respondents	:	

ORDER

NOW, August 23, 2024, the Application for Summary Relief filed by the Pennsylvania Department of State and Al Schmidt, in his capacity as Secretary of the Commonwealth, is **GRANTED**, the Application for Summary Relief and Peremptory Judgment filed by Autumn Williams, Abraham Daramay, and Jonathan Mark Daniels is **DENIED**, and the Petition for Review in the Nature of Mandamus and Declaratory Judgment is hereby **DISMISSED** with prejudice in accordance with the foregoing opinion.

RENÉE COHN JUBELIRER, President Judge