

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

THE REPUBLICAN NATIONAL : No. 136 MM 2024
COMMITTEE AND THE REPUBLICAN :
PARTY OF PENNSYLVANIA, :
:

Petitioners

v.

ALL 67 COUNTY BOARDS OF ELECTIONS :
(ADAMS COUNTY BOARD OF :
ELECTIONS; ALLEGHENY COUNTY :
BOARD OF ELECTIONS; ARMSTRONG :
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 :
BOARD 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; ERIE COUNTY :
BOARD OF ELECTIONS; FAYETTE :

COUNTY BOARD OF ELECTIONS; :
FOREST COUNTY BOARD OF :
ELECTIONS; FRANKLIN COUNTY BOARD :
OF ELECTIONS; FULTON COUNTY :
BOARD OF ELECTIONS; GREENE :
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 :
BOARD 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; PHILADELPHIA COUNTY :
BOARD OF ELECTIONS; PIKE COUNTY :
BOARD OF ELECTIONS; POTTER :
COUNTY BOARD OF ELECTIONS; :
SCHUYLKILL COUNTY BOARD OF :
ELECTIONS; SNYDER COUNTY BOARD :
OF ELECTIONS; SOMERSET COUNTY :
BOARD OF ELECTIONS; SULLIVAN :
COUNTY BOARD OF ELECTIONS; :
SUSQUEHANNA 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; WYOMING COUNTY BOARD :
OF ELECTIONS; AND YORK COUNTY :
BOARD OF ELECTIONS), :
: :
Respondents :

ORDER

PER CURIAM

AND NOW, this 18th day of November, 2024, the Application for Leave to Intervene filed by DSCC and Bob Casey for Senate, Inc., is **GRANTED**. The Application for Leave to file Amicus Brief filed by the Pennsylvania Department of State and Secretary of the Commonwealth Al Schmidt is **GRANTED**.

Petitioners’ Application for the Exercise of King’s Bench Power or Extraordinary Jurisdiction is **GRANTED** in part. The Court hereby **ASSUMES** its King’s Bench authority over the instant Application, see 42 Pa.C.S. § 502, only to **DIRECT** that all Respondents, including the Boards of Elections in Bucks County, Montgomery County, and Philadelphia County, **SHALL COMPLY** with the prior rulings of this Court in which we have clarified that mail-in and absentee ballots that fail to comply with the requirements of the Pennsylvania Election Code, see 25 P.S. §§ 3146.6(a), 3150.16(a), **SHALL NOT BE COUNTED** for purposes of the election held on November 5, 2024. See *Ball v. Chapman*, 289 A.3d 1, 28 (Pa. 2023) (“The Election Code commands absentee and mail-in electors to date the declaration that appears upon ballot return envelopes, and failure to comply with that command renders a ballot invalid as a matter of Pennsylvania law.”); see also *New PA Project Educ. Fund v. Schmidt*, 2024 WL 4410884, at *1 (Pa. Oct. 5, 2024) (*per curiam*) (“This Court will neither impose nor countenance substantial alterations to

existing laws and procedures during the pendency of an ongoing election.”); *Baxter v. Phila. Bd. of Elections*, 2024 WL 4650792, at *1 (Pa. Nov. 1, 2024) (staying a Commonwealth Court order that had required a county election board to canvass undated ballots for purposes of the 2024 general election).

The Application is **DENIED** in all other respects. In particular, we deny the request to exercise plenary jurisdiction over related matters that have been commenced in various courts of common pleas. This order shall be deemed authoritative and controlling in all such matters and as to all county election board members.

Justice Wecht files a concurring statement in which Justice Mundy joins.

Justice Brobson files a concurring statement in which Justices Wecht and Mundy join.

Justice Donohue files a dissenting statement in which Chief Justice Todd and Justice McCaffery join.