

Supreme Court of Pennsylvania



Appeal Docket Sheet

Docket Number: 26 WAP 2024

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April 16, 2026

CAPTION

Faith Genser and Frank Matis

v.

Butler County Board of Elections, Republican National Committee, Republican Party of Pennsylvania, and The Pennsylvania Democratic Party

Appeal of: Republican National Committee and Republican Party of Pennsylvania

CASE INFORMATION

Initiating Document: Order Granting Petition for Allowance of Appeal

Case Status: Closed

Journal Number: J-82A-2024 September 26, 2024

Case Category: Election Case Type(s): Election

CONSOLIDATED CASES

RELATED CASES

Docket No / Reason	Type
27 WAP 2024	Consolidated
Similar Issues	

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SUPREME COURT INFORMATION

Appeal From: the Order of the Commonwealth Court entered September 5, 2024, at No. 1074 CD 2024, Reversing the Order of the Court of Common Pleas of Butler County entered August 16, 2024, at No. MSD-2024-40116.

Probable Jurisdiction Noted: Docketed Date: September 20, 2024

Allocatur/Miscellaneous Granted: September 20, 2024 Allocatur/Miscellaneous Docket No.: 240 WAL 2024

Allocatur/Miscellaneous Grant Order: AND NOW, this 20th day of September, 2024, the Butler County Board of Elections' Petition for Allowance of Appeal at Nos. 242 WAL 2024 and 243 WAL 2024 is DENIED. The Republican National Committee and Republican Party of Pennsylvania's Petition for Allowance of Appeal at Nos. 240 WAL 2024 and 241 WAL 2024 is GRANTED with respect to the following issues:

1. Whether, contrary to this Court's binding precedent in *Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 352 (Pa. 2020), the Commonwealth Court improperly usurped the authority of the General Assembly by effectively rewriting the Election Code to engage in court-mandated curing when it held that a voter is entitled to submit a provisional ballot and have that provisional ballot counted in the election tally after the voter has timely submitted a defective absentee or mail-in ballot, contrary to the Election Code.

2. Whether the Commonwealth Court erred in holding that, due to purported ambiguities in the Election Code, the Butler County Board of Elections is required to count a provisional ballot cast by an elector who received a mail-in ballot and delivered the mail-in ballot to the county board of elections without the required secrecy envelope, despite the language of 25 P.S. § 3050 (a.4)(5)(ii)(F), which provides that a provisional ballot shall not be counted if the elector's absentee ballot or mail-in ballot is timely received by a county board of elections.

The Republican National Committee and Republican Party of Pennsylvania's Petition for Allowance of Appeal is DENIED as to all other issues.

Petitioners' brief shall be filed on or before Tuesday, September 24, 2024 at 12:00 p.m. Respondents and any amici shall file their briefs on or before Thursday, September, 26, 2024 at 12:00 p.m. No reply brief will be permitted. This matter will be submitted on the briefs without oral argument.

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
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INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Commonwealth Docket Number: 1074 CD 2024

Date of Order: September 5, 2024 Rearg/Recon Disp Date:

Rearg/Recon Disposition:

Judge(s): Cohn Jubelirer, Renee
Dumas, Lori A.
Wolf, Matthew S.

Intermediate Appellate Court Action: Reversed.

Referring Court:

AGENCY/TRIAL COURT INFORMATION

Court Below: Butler County Court of Common Pleas

County: Butler Division: Butler County Civil Division

Date of Agency/Trial Court Order: August 16, 2024

Docket Number: MSD-2024-40116

Judge(s): Yeager, S. Michael OTN:



Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
Original Record	September 24, 2024	4 banded parts with 14 numbered sections

Record Remittal: October 24, 2024

BRIEFING SCHEDULE

Amicus Curiae
AFT Pennsylvania
Brief

Due: September 26, 2024 Filed: September 26, 2024

America First Legal Foundation
Brief

Due: September 26, 2024 Filed: September 26, 2024

Center for Election Confidence, Inc.
Brief

Due: September 26, 2024 Filed: September 26, 2024

County Commissioners, et al
Brief

Due: September 26, 2024 Filed: September 26, 2024

Cutler, Bryan
Brief

Due: September 26, 2024 Filed: September 24, 2024

PA Alliance for Retired Americans
Brief

Due: September 26, 2024 Filed: September 26, 2024

Pennsylvania Department of State
Brief

Due: September 26, 2024 Filed: September 26, 2024

Due: Filed: October 28, 2024

Pittman, Joe
Brief

Due: September 26, 2024 Filed: September 24, 2024

Restoring Integrity and Trust in Elections
Brief

Due: September 26, 2024 Filed: September 26, 2024

Schmidt, Al
Brief

Due: September 26, 2024 Filed: September 26, 2024

Appellee

Butler County Board of Elections
Brief

Due: September 26, 2024 Filed: September 26, 2024

Genser, Faith
Brief

Due: September 26, 2024 Filed: September 26, 2024

Matis, Frank
Brief

Due: September 26, 2024 Filed: September 26, 2024

The Pennsylvania Democratic Party
Brief

Due: September 26, 2024 Filed: September 26, 2024



BRIEFING SCHEDULE

Amicus Curiae**Schmidt, Al
Brief**

Due: Filed: October 28, 2024

**Ward, Kim
Brief**

Due: September 26, 2024 Filed: September 24, 2024

Appellant**Republican National Committee
Brief**

Due: September 24, 2024 Filed: September 24, 2024

**Republican Party of Pennsylvania
Brief**

Due: September 24, 2024 Filed: September 24, 2024

Reproduced Record

Due: September 24, 2024 Filed:

SESSION INFORMATION

Journal Number: J-82A-2024
 Listed/Submitted Date: September 26, 2024
 Consideration Type: Submit on Briefs Supreme

DISPOSITION INFORMATION

Related Journal No:	J-82A-2024	Judgment Date:	October 23, 2024
Category:	Decided	Disposition Author:	Donohue, Christine
Disposition:	Affirmed	Disposition Date:	October 23, 2024
Dispositional Filing:	Majority Opinion	Author:	Donohue, Christine
Filed Date:	October 23, 2024		
Justice:	Todd, Debra	Vote:	Join Majority Opinion
Justice:	Dougherty, Kevin M.	Vote:	Join Majority Opinion
Justice:	McCaffery, Daniel D.	Vote:	Join Majority Opinion
Dispositional Filing:	Dissenting Opinion	Author:	Brobson, P. Kevin
Filed Date:	October 23, 2024		
Justice:	Wecht, David N.	Vote:	Join Dissenting Opinion
Justice:	Mundy, Sallie U.	Vote:	Join Dissenting Opinion



DISPOSITION INFORMATION

Dispositional Filing:	Concurring Opinion	Author:	Dougherty, Kevin M.
Filed Date:	October 23, 2024		
Dispositional Filing:	Dissenting Opinion	Author:	Mundy, Sallie U.
Filed Date:	October 23, 2024		

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 20, 2024	Allocatur Granted		Per Curiam

Comments:

AND NOW, this 20th day of September, 2024, the Butler County Board of Elections' Petition for Allowance of Appeal at Nos. 242 WAL 2024 and 243 WAL 2024 is DENIED. The Republican National Committee and Republican Party of Pennsylvania's Petition for Allowance of Appeal at Nos. 240 WAL 2024 and 241 WAL 2024 is GRANTED with respect to the following issues:

1. Whether, contrary to this Court's binding precedent in *Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 352 (Pa. 2020), the Commonwealth Court improperly usurped the authority of the General Assembly by effectively rewriting the Election Code to engage in court-mandated curing when it held that a voter is entitled to submit a provisional ballot and have that provisional ballot counted in the election tally after the voter has timely submitted a defective absentee or mail-in ballot, contrary to the Election Code.

2. Whether the Commonwealth Court erred in holding that, due to purported ambiguities in the Election Code, the Butler County Board of Elections is required to count a provisional ballot cast by an elector who received a mail-in ballot and delivered the mail-in ballot to the county board of elections without the required secrecy envelope, despite the language of 25 P.S. § 3050 (a.4)(5)(ii)(F), which provides that a provisional ballot shall not be counted if the elector's absentee ballot or mail-in ballot is timely received by a county board of elections.

The Republican National Committee and Republican Party of Pennsylvania's Petition for Allowance of Appeal is DENIED as to all other issues.

Petitioners' brief shall be filed on or before Tuesday, September 24, 2024 at 12:00 p.m. Respondents and any amici shall file their briefs on or before Thursday, September, 26, 2024 at 12:00 p.m. No reply brief will be permitted. This matter will be submitted on the briefs without oral argument.

September 24, 2024	Appellant's Brief	Appellant	Republican Party of Pennsylvania
		Appellant	Republican National Committee
September 24, 2024	Legislative Leaders Brief in Support of Appellants	Amicus Curiae	Cutler, Bryan
		Amicus Curiae	Pittman, Joe
		Amicus Curiae	Ward, Kim
September 24, 2024	Commonwealth Court Record Received		Commonwealth Court of Pennsylvania

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 24, 2024	Application to be Admitted Pro Hac Vice - Crosland		
	Republican Party of Pennsylvania	Appellant	Gallagher, Kathleen A.
	Republican National Committee	Appellant	Gallagher, Kathleen A.
September 25, 2024	Application to be Admitted Pro Hac Vice - Gore		
	Republican Party of Pennsylvania	Appellant	Gallagher, Kathleen A.
	Republican National Committee	Appellant	Gallagher, Kathleen A.
September 25, 2024	Order Granting Application to be Admitted Pro Hac Vice - Gore		Ceraso, Betsy
Comments: AND NOW, this 25th day of September, 2024, the application for the admission pro hac vice of John M. Gore, Esq. is GRANTED.			
September 25, 2024	Order Granting Application to be Admitted Pro Hac Vice - Crosland		Ceraso, Betsy
Comments: AND NOW, this 25th day of September, 2024, the application for the admission pro hac vice of E. Stewart Crosland, Esq. is GRANTED.			
September 25, 2024	Order Exited		Office of the Prothonotary
September 26, 2024	Center for Election Confidence & America First Legal Foundation Brief in Support of Appellants		
		Amicus Curiae	Center for Election Confidence, Inc.
		Amicus Curiae	America First Legal Foundation
September 26, 2024	Joinder to the Appellant's Brief, RNC, and Republican Party of Pa		Butler County Board of Elections
September 26, 2024	AFT PA & Pa Alliance for Retired Americans Brief in Support of Appellees		
		Amicus Curiae	AFT Pennsylvania
		Amicus Curiae	PA Alliance for Retired Americans
September 26, 2024	County Commissioners, et al. Brief in Support of Appellees		County Commissioners, et al
		Amicus Curiae	
September 26, 2024	Appellee's Brief		The Pennsylvania Democratic Party
		Appellee	
September 26, 2024	Appellee's Brief		
		Appellee	Genser, Faith
		Appellee	Matis, Frank
September 26, 2024	Dept. of State & Al Schmidt Brief in Support of Appellees		
		Amicus Curiae	Pennsylvania Department of State
		Amicus Curiae	Schmidt, Al



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 26, 2024	Restoring Integrity & Trust in Elections in Support of Appellants	Amicus Curiae	Restoring Integrity and Trust in Elections
September 26, 2024	Submitted on Brief		Supreme Court of Pennsylvania
September 26, 2024	Application for Leave to Amend Filed by Restoring Integrity & Trust in Elections	Amicus Curiae	Restoring Integrity and Trust in Elections
September 27, 2024	Praecepte for Appearance		
	AFT Pennsylvania	Amicus Curiae	Alerasool, Omeed
	PA Alliance for Retired Americans	Amicus Curiae	Alerasool, Omeed
October 3, 2024	Application to be Admitted Pro Hac Vice - Waxman		
	The Pennsylvania Democratic Party	Appellee	Levine, Clifford B.
October 4, 2024	Order Granting Application to be Admitted Pro Hac Vice		Ceraso, Betsy
Comments: AND NOW, this 4th day of October, 2024, the application for the admission pro hac vice of Seth P. Waxman, Esq. is GRANTED.			
October 4, 2024	Order Exited		Office of the Prothonotary
October 10, 2024	Application to be Admitted Pro Hac Vice - Nkwonta		
	AFT Pennsylvania	Amicus Curiae	Alerasool, Omeed
	PA Alliance for Retired Americans	Amicus Curiae	Alerasool, Omeed
October 10, 2024	Application to be Admitted Pro Hac Vice - Baxenberg		
	AFT Pennsylvania	Amicus Curiae	Alerasool, Omeed
	PA Alliance for Retired Americans	Amicus Curiae	Alerasool, Omeed
October 10, 2024	Application to be Admitted Pro Hac Vice - Medina		
	AFT Pennsylvania	Amicus Curiae	Alerasool, Omeed
	PA Alliance for Retired Americans	Amicus Curiae	Alerasool, Omeed
October 10, 2024	No Answer Letter		
		Appellant	Republican Party of Pennsylvania
		Appellant	Republican National Committee
October 10, 2024	No Answer Letter		
		Appellant	Republican Party of Pennsylvania
		Appellant	Republican National Committee

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 10, 2024	No Answer Letter	Appellant Appellant	Republican Party of Pennsylvania Republican National Committee
October 11, 2024	Order Granting Application to be Admitted Pro Hace Vice for Attorney Nkwonta		Ceraso, Betsy
Comments: AND NOW, this 11th day of October, 2024, the application for the admission pro hac vice of Uzoma N. Nkwonta, Esq. is GRANTED.			
October 11, 2024	Order Exited		Office of the Prothonotary
October 11, 2024	Order Granting Application to be Admitted Pro Hac Vice for Attorney Baxenberg		Ceraso, Betsy
Comments: AND NOW, this 11th day of October, 2024, the application for the admission pro hac vice of Justine M. Baxenberg, Esq. is GRANTED.			
October 11, 2024	Order Exited		Office of the Prothonotary
October 11, 2024	Order Granting Application to be Admitted Pro Hac Vice for Attorney Medina		Ceraso, Betsy
Comments: AND NOW, this 11th day of October, 2024, the application for the admission pro hac vice of Richard A. Medina, Esq. is GRANTED.			
October 11, 2024	Order Exited		Office of the Prothonotary
October 23, 2024	Order Granting Application to Amend		Per Curiam
Comments: AND NOW, this 23rd day of October, 2024, the Application for Leave to File Amended Amicus Curiae Brief filed by Restoring Integrity and Trust in Elections (RITE) is hereby GRANTED. The Prothonotary is DIRECTED to docket the Amended Amicus Brief attached to RITE's application.			
October 23, 2024	Affirmed		Donohue, Christine
Comments: For the reasons stated above, we affirm the Commonwealth Court's order directing the Board to count Electors' provisional ballots. Chief Justice Todd and Justices Dougherty and McCaffery join the opinion . Justice Dougherty files a concurring opinion. Justice Mundy files a dissenting opinion. Justice Brobson files a dissenting opinion in which Justices Wecht and Mundy join .			
October 23, 2024	Judgment Entered		Office of the Prothonotary



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
October 24, 2024	Remitted		Office of the Prothonotary
October 25, 2024	Appellants' Application for Stay or, in the Alternative, Modification of October 23, 2024 Judgment	Appellant Appellant	Republican Party of Pennsylvania Republican National Committee
October 27, 2024	PA Democratic Party Answer to Appellants' Application for Stay or Modification of 10/23/24 Judgment	Appellee	The Pennsylvania Democratic Party
October 27, 2024	No Answer Email from Butler County Bd. of Elections re: Application for Relief	Appellee	Butler County Board of Elections
October 27, 2024	Dept. of State App. for Leave to File Amicus Brief	Amicus Curiae Amicus Curiae	Pennsylvania Department of State Schmidt, AI
October 27, 2024	Genser & Matis Answer to Appellants' Application for Stay or Modification of 10/23/24 Judgment	Appellee Appellee	Genser, Faith Matis, Frank
October 28, 2024	Order Denying Application for Stay/Modification; Granting Leave to File Amicus Brief		Per Curiam
<p>Comments:</p> <p>AND NOW, this 28th day of October, 2024, the Application for Leave to File Amicus Brief filed by the Secretary of the Commonwealth and Department of State is hereby GRANTED. The Prothonotary is DIRECTED to docket the Amicus Brief attached to the application.</p> <p>The Application for Stay or, in the Alternative, Modification of October 23, 2024 Judgment is hereby DENIED. Justice Mundy dissents.</p>			
October 28, 2024	Order Exited		Office of the Prothonotary
October 28, 2024	Amicus Curiae Brief in Opposition to Application for Stay	Amicus Curiae Amicus Curiae	Pennsylvania Department of State Schmidt, AI
October 31, 2024	Acknowledgement of Record Remittal		Butler County Civil Division
January 21, 2025	Petition for Writ of Certiorari		Clerk of the U.S. Supreme Court
June 6, 2025	Petition for Writ of Certiorari Denied - U.S. Supreme Court Appeal		Clerk of the U.S. Supreme Court



CROSS COURT ACTIONS

Docket Number:	1074 CD 2024
Docket Number:	240 WAL 2024
Docket Number:	242 WAL 2024