



## 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: Active

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	

## COUNSEL INFORMATION

Attorney:	Gallagher, Kathleen A.	
	The Gallagher Firm, LLC	
Address:	The Gallagher Firm LLC	
	436 Seventh Ave 31st Fl	
	Pittsburgh, PA 15219	
Phone No:	(412) 308-5512	
Receive Mail:	Yes	
Receive EMail:	Yes	Email:
Representing:	Republican National Committee, Appellant	
Pro Se:	No	
IFP Status:		
Representing:	Republican Party of Pennsylvania, Appellant	
Pro Se:	No	
IFP Status:		




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**COUNSEL INFORMATION**


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Attorney: Adrian, Brian Michael  
 The Gallagher Firm, LLC  
 Address: Gallagher Giancola LLC  
 436 Seventh Ave Ste 3100  
 Pittsburgh, PA 15219  
 Phone No: (412) 308-5512  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Republican National Committee, Appellant  
 Pro Se: No  
 IFP Status:  
 Representing: Republican Party of Pennsylvania, Appellant  
 Pro Se: No  
 IFP Status:

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Attorney: Breth, Thomas E.  
 Dillon, McCandless, King, Coulter & Graham, LLP  
 Address: Dillon Mccandless King Coulter & Graham Llp  
 128 W Cunningham St  
 Butler, PA 16001-5742  
 Phone No: (724) 283-2200  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Republican National Committee, Appellant  
 Pro Se: No  
 IFP Status:  
 Representing: Republican Party of Pennsylvania, Appellant  
 Pro Se: No  
 IFP Status:

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Attorney: Crosland, E. Stewart  
 Pro Hac Vice  
 Address: Jones Day  
 51 Lousiana Avenue, N.W.  
 Washington, DC 20001  
 Phone No: (202) 879-3939  
 Receive Mail: Yes  
 Representing: Republican National Committee, Appellant  
 Pro Se: No  
 IFP Status:  
 Representing: Republican Party of Pennsylvania, Appellant  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

Attorney: Gore, John M.  
Pro Hac Vice  
Jones Day  
Address: 51 Louisiana Avenue, N.W.  
Washington, DC 20001  
Phone No: (202) 879-3939  
Receive Mail: Yes  
Receive EMail: Yes Email:  
Representing: Republican National Committee, Appellant  
Pro Se: No  
IFP Status:  
Representing: Republican Party of Pennsylvania, Appellant  
Pro Se: No  
IFP Status:

Attorney: King, Thomas W., III  
Dillon, McCandless, King, Coulter & Graham, LLP  
Address: Dillon Mccandless Et Al  
128 W Cunningham St  
Butler, PA 16001-5742  
Phone No: (724) 283-2200  
Receive Mail: Yes  
Receive EMail: Yes Email:  
Representing: Republican National Committee, Appellant  
Pro Se: No  
IFP Status:  
Representing: Republican Party of Pennsylvania, Appellant  
Pro Se: No  
IFP Status:

Attorney: Goldman, Kathleen Jones  
Buchanan Ingersoll & Rooney PC  
Address: 501 Grant St Ste 200  
Pittsburgh, PA 15219  
Phone No: (412) 562-1401  
Receive Mail: Yes  
Receive EMail: Yes Email:  
Representing: Butler County Board of Elections, Appellee  
Pro Se: No  
IFP Status:

Attorney: Levine, Clifford B.  
Dentons Cohen Grigsby  
Address: 625 Liberty Ave; 5th floor  
Pittsburgh, PA 15222  
Phone No: (412) 297-4998  
Receive Mail: Yes  
Receive EMail: Yes Email:  
Representing: The Pennsylvania Democratic Party, Appellee  
Pro Se: No  
IFP Status:




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**COUNSEL INFORMATION**


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Attorney: Schneider, Marian Karen  
 Address: ACLU of Pennsylvania, Pittsburgh  
 Po Box 60173  
 Philadelphia, PA 19102  
 Phone No: (610) 420-0632  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Black, Martin Jay  
 Address: Dechert LLP  
 2929 Arch St  
 Philadelphia, PA 19104-2808  
 Phone No: (215) 994-2664  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Edwards, Jeffrey Scott  
 Address: Dechert LLP  
 2929 Arch St  
 Philadelphia, PA 19104-2808  
 Phone No: (215) 994-2104  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

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## COUNSEL INFORMATION

Attorney: Geffen, Benjamin David  
 Public Interest Law Center (The)  
 Address: 1500 JFK Blvd Ste 802  
 Philadelphia, PA 19102  
 Phone No: (267) 546-1308  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

Attorney: Loney, Stephen Allen  
 ACLU of Pennsylvania  
 Address: P.o. Box 60173  
 Philadelphia, PA 19102  
 Phone No: (215) 592-1513  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

Attorney: McKenzie, Mary M.  
 Public Interest Law Center (The)  
 Address: Public Interest Law Center Two Penn Center  
 1500 Jfk Blvd Ste 802  
 Philadelphia, PA 19102  
 Phone No: (267) 546-1319  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:




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**COUNSEL INFORMATION**


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Attorney: Oberlander, Steven Fred  
 Dechert LLP  
 Address: 2929 Arch St  
 Philadelphia, PA 19104  
 Phone No: (215) 994-4000  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Reilly, Luke Michael  
 Dechert LLP  
 Address: 2929 Arch St  
 Philadelphia, PA 19104  
 Phone No: (215) 994-2194  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Russey, David Fredric  
 Dentons Cohen & Grigsby P.C.  
 Address: 625 Liberty Ave 5th Fl  
 Pittsburgh, PA 15222-3152  
 Phone No: (412) 297-4900  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: The Pennsylvania Democratic Party, Appellee  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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Attorney: Steiker-Ginzberg, Kate Ilana  
 ACLU of Pennsylvania  
 Address: Po Box 60173  
 Philadelphia, PA 19102  
 Phone No: (917) 444-6803  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Ting, Richard Tsai  
 ACLU of Pennsylvania  
 Address: Po Box 23058  
 Pittsburgh, PA 15222  
 Phone No: (412) 634-1151  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Walczak, Witold J.  
 ACLU of Pennsylvania, Pittsburgh  
 Address: P.o. Box 23058  
 Pittsburgh, PA 15222  
 Phone No: (412) 681-7864  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Genser, Faith, Appellee  
 Pro Se: No  
 IFP Status:  
 Representing: Matis, Frank, Appellee  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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Attorney: Waxman, Seth P.  
 Pro Hac Vice  
 Wilmer Cutler Pickering Hale and Dorr LLP  
 Address: 2100 Pennsylvania Avenue N.W.  
 Washington, DC 20037  
 Phone No: (412) 297-4998  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: The Pennsylvania Democratic Party, Appellee  
 Pro Se: No  
 IFP Status:

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Attorney: Bonin, Adam Craig  
 The Law Office of Adam C. Bonin  
 Address: 105 Cambridge Way  
 Harleysville, PA 19438  
 Phone No: (267) 242-5014  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: AFT Pennsylvania, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: PA Alliance for Retired Americans, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Haverstick, Matthew Hermann  
 Kleinbard, LLC  
 Address: Three Logan Square  
 1717 Arch St Fl 5  
 Philadelphia, PA 19103  
 Phone No: (215) 568-2000  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Restoring Integrity and Trust in Elections, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Khan, Joseph Jamil  
 Curtin & Heefner LLP  
 Address: 2005 S Easton Rd  
 Doylestown, PA 18901  
 Phone No: (215) 736-2521  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: County Commissioners, et al, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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Attorney: Thomson, Aimee Diane  
 Pennsylvania Office of General Counsel  
 Address: Pa Office Of General Counsel  
 333 Market St  
 Harrisburg, PA 17101  
 Phone No: (223) 234-4986  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Pennsylvania Department of State, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: Schmidt, Al, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Wallen, Zachary Michael  
 Chalmers, Adams, Backer & Kaufman, LLC  
 Address: Chalmers Adams Backer & Kaufman LLC  
 301 S Hills Village Dr Ste LI200420  
 Pittsburgh, PA 15241  
 Phone No: (412) 200-0842  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Cutler, Bryan, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: Pittman, Joe, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: Ward, Kim, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Zimolong, Walter S., III  
 Zimolong LLC  
 Address: Po Box 552  
 Villanova, PA 19085  
 Phone No: (215) 665-0842  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: America First Legal Foundation, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: Center for Election Confidence, Inc., Amicus Curiae  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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Attorney: Alerasool, Omeed  
 Elias Law Group  
 Address: 250 Massachusetts Ave NW # 400  
 Washington, DC 20001  
 Phone No: (202) 734-7536  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: AFT Pennsylvania, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: PA Alliance for Retired Americans, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Baxenberg, Justin  
 Pro Hac Vice  
 Elias Law Group, LLP  
 Address: 250 Massachusetts Avenue NW  
 Suite 400  
 Washington, DC 20001  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: AFT Pennsylvania, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: PA Alliance for Retired Americans, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Fischer, Michael John  
 Pennsylvania Office of General Counsel  
 Address: Ofc of General Counsel  
 333 Market St 17th Fl  
 Harrisburg, PA 17101  
 Phone No: (917) 974-2455  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: Pennsylvania Department of State, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: Schmidt, Al, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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**COUNSEL INFORMATION**


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Attorney: Medina, Richard Alexander  
 Pro Hac Vice  
 Elias Law Group LLP  
 Address: 250 Massachusetts Ave NW Ste 400  
 Washington, DC 20001  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: AFT Pennsylvania, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: PA Alliance for Retired Americans, Amicus Curiae  
 Pro Se: No  
 IFP Status:

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Attorney: Nkwonta, Uzoma N.  
 Pro Hac Vice  
 Elias Law Group LLP  
 Address: 250 Massachusetts Avenue NW  
 Suite 400  
 Washington, DC 20001  
 Receive Mail: Yes  
 Receive EMail: Yes Email:  
 Representing: AFT Pennsylvania, Amicus Curiae  
 Pro Se: No  
 IFP Status:  
 Representing: PA Alliance for Retired Americans, Amicus Curiae  
 Pro Se: No  
 IFP Status:



## 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:

## BRIEFING SCHEDULE

Amicus Curiae	Appellee
<b>AFT Pennsylvania</b>	<b>Butler County Board of Elections</b>
<b>Brief</b>	<b>Brief</b>
Due: September 26, 2024      Filed: September 26, 2024	Due: September 26, 2024      Filed: September 26, 2024
<b>America First Legal Foundation</b>	<b>Genser, Faith</b>
<b>Brief</b>	<b>Brief</b>
Due: September 26, 2024      Filed: September 26, 2024	Due: September 26, 2024      Filed: September 26, 2024
<b>Center for Election Confidence, Inc.</b>	<b>Matis, Frank</b>
<b>Brief</b>	<b>Brief</b>
Due: September 26, 2024      Filed: September 26, 2024	Due: September 26, 2024      Filed: September 26, 2024
<b>County Commissioners, et al</b>	<b>The Pennsylvania Democratic Party</b>
<b>Brief</b>	<b>Brief</b>
Due: September 26, 2024      Filed: September 26, 2024	Due: September 26, 2024      Filed: September 26, 2024
<b>Cutler, Bryan</b>	
<b>Brief</b>	
Due: September 26, 2024      Filed: September 24, 2024	
<b>PA Alliance for Retired Americans</b>	
<b>Brief</b>	
Due: September 26, 2024      Filed: September 26, 2024	
<b>Pennsylvania Department of State</b>	
<b>Brief</b>	
Due: September 26, 2024      Filed: September 26, 2024	
<b>Pittman, Joe</b>	
<b>Brief</b>	
Due: September 26, 2024      Filed: September 24, 2024	
<b>Restoring Integrity and Trust in Elections</b>	
<b>Brief</b>	
Due: September 26, 2024      Filed: September 26, 2024	
<b>Schmidt, Al</b>	
<b>Brief</b>	
Due: September 26, 2024      Filed: September 26, 2024	



## BRIEFING SCHEDULE

**Amicus Curiae****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

## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
<b>September 20, 2024</b>	<b>Allocatur Granted</b>		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.



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 24, 2024	<b>Appellant's Brief</b>	Appellant Appellant	Republican Party of Pennsylvania Republican National Committee
September 24, 2024	<b>Legislative Leaders Brief in Support of Appellants</b>	Amicus Curiae Amicus Curiae Amicus Curiae	Cutler, Bryan Pittman, Joe Ward, Kim
September 24, 2024	<b>Commonwealth Court Record Received</b>		Commonwealth Court of Pennsylvania
September 24, 2024	<b>Application to be Admitted Pro Hac Vice - Crosland</b>	Republican Party of Pennsylvania Republican National Committee	Appellant Appellant
September 25, 2024	<b>Application to be Admitted Pro Hac Vice - Gore</b>	Republican Party of Pennsylvania Republican National Committee	Appellant Appellant
September 25, 2024	<b>Order Granting Application to be Admitted Pro Hac Vice - Gore</b>		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	<b>Order Granting Application to be Admitted Pro Hac Vice - Crosland</b>		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	<b>Order Exited</b>		Office of the Prothonotary
September 26, 2024	<b>Center for Election Confidence &amp; America First Legal Foundation Brief in Support of Appellants</b>	Amicus Curiae Amicus Curiae	Center for Election Confidence, Inc. America First Legal Foundation
September 26, 2024	<b>Joinder to the Appellant's Brief, RNC, and Republican Party of Pa</b>	Appellee	Butler County Board of Elections
September 26, 2024	<b>AFT PA &amp; Pa Alliance for Retired Americans Brief in Support of Appellees</b>	Amicus Curiae Amicus Curiae	AFT Pennsylvania PA Alliance for Retired Americans
September 26, 2024	<b>County Commissioners, et al. Brief in Support of Appellees</b>	Amicus Curiae	County Commissioners, et al



## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
September 26, 2024	Appellee's Brief	Appellee	The Pennsylvania Democratic Party
September 26, 2024	Appellee's Brief	Appellee Appellee	Genser, Faith Matis, Frank
September 26, 2024	Dept. of State & Al Schmidt Brief in Support of Appellees	Amicus Curiae Amicus Curiae	Pennsylvania Department of State Schmidt, Al
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 Inegrity & Trust in Elections	Amicus Curiae	Restoring Integrity and Trust in Elections
September 27, 2024	Praecipe for Appearance AFT Pennsylvania PA Alliance for Retired Americans	Amicus Curiae Amicus Curiae	Alerasool, Omeed 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 PA Alliance for Retired Americans	Amicus Curiae Amicus Curiae	Alerasool, Omeed Alerasool, Omeed
October 10, 2024	Application to be Admitted Pro Hac Vice - Baxenberg AFT Pennsylvania PA Alliance for Retired Americans	Amicus Curiae Amicus Curiae	Alerasool, Omeed Alerasool, Omeed
October 10, 2024	Application to be Admitted Pro Hac Vice - Medina AFT Pennsylvania PA Alliance for Retired Americans	Amicus Curiae Amicus Curiae	Alerasool, Omeed Alerasool, Omeed





## DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
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
October 10, 2024	No Answer Letter	Appellant	Republican Party of Pennsylvania
		Appellant	Republican National Committee
October 11, 2024	Order Granting Application to be Admitted Pro Hac 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

## CROSS COURT ACTIONS

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