

**IN THE SUPREME COURT OF PENNSYLVANIA**

IN RE:

NEW PA Project, et al.,

Pets v. Schmidt, A, et al

Case No. 112 MM 2024

**RESPONSE OF WASHINGTON COUNTY, PENNSYLVANIA**

To The Honorable Justices of the Supreme Court of Pennsylvania;

With respect to the correspondence addressed to the County of Washington, the response of Washington County and the Washington County Board of Elections is as follows:

By and Order dated September 13, 2024, this Court VACATED the Commonwealth Court order in Black Political Empowerment holding both that the Commonwealth Court lacked Subject Matter Jurisdiction “because the joinder of Al Schmidt, in his official capacity as Secretary of the Commonwealth, did not suffice to invoke the Commonwealth Court’s original jurisdiction: and “given the failure [of Petitioners] to name the county boards of elections of 67 counties”.

*Black Political Empowerment Project, et al, v. Schmidt*, No 68 MAP 2024, September 12, 2024, Order at 1.

Justice Wecht filed a Dissenting Statement that was joined by Chief Justice Tood and Justice Donohue.

Both the Court’s Order and Dissenting Statement indicate that, despite the procedural issues, the Court considered whether to exercise its extraordinary powers to hear the substantive issue raised in the BPEP Litigation. Order at 2 (“The Request for extraordinary jurisdiction pursuant to 42 Pa. C.S. § 726 is DENIED.”); Dissenting Statement at 2 (“I would exercise this Court’s King Bench authority over the instant dispute and order that the matter be submitted on the briefs.”).

Petitioners’ Application presents the same challenge to the date requirement and seeks the same relief that this Court previously rejected to take under its King Bench Authority, two weeks. It should do the same again.

Dated: September 27, 2024

Respectfully submitted,  
SWEAT LAW OFFICES

*s/ Gary L. Sweat*

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

*s/ Gary L. Sweat*  
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**GARY L. SWEAT, ESQUIRE**