

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

PENNSYLVANIA DEMOCRATIC )  
PARTY, et al., )

*Petitioners,* )

v. )

KATHY BOOCKVAR, in her capacity as )  
Secretary of the Commonwealth of )  
Pennsylvania, et al., )

*Respondents.* )

ELECTION MATTER

No. 407 MD 2020

**PETITION FOR REVIEW FOR DECLARATORY AND INJUNCTIVE RELIEF BY  
INTERVENORS COMMON CAUSE PENNSYLVANIA; LEAGUE OF WOMEN  
VOTERS OF PENNSYLVANIA; THE BLACK POLITICAL EMPOWERMENT  
PROJECT; MAKE THE ROAD PENNSYLVANIA, A PROJECT OF MAKE THE ROAD  
STATES; PATRICIA M. DEMARCO; DANIELLE GRAHAM ROBINSON;  
AND KATHLEEN WISE**

In support of this Petition for Declaratory and Injunctive Relief, Intervenors Common Cause Pennsylvania; the League of Women Voters of Pennsylvania; The Black Political Empowerment Project (“B-PEP”); Make the Road Pennsylvania, a project of Make the Road States (“Make the Road PA”); Patricia M. DeMarco; Danielle Graham Robinson; and Kathleen Wise (together, “Intervenors”), by and through undersigned counsel, respectfully request that the Court issue declaratory and injunctive relief so as to protect the franchise of absentee and mail-in voters and respectfully aver as follows:

**XI. Incorporation of Portions of the Petition By Pennsylvania Democratic Party et al.**

1. In the interest of judicial economy, Intervenors incorporate certain allegations from the Petition for Declaratory and Injunction Relief by Petitioners the Pennsylvania Democratic Party, Dwight Evans, Nina Ahmad, Anthony H. Williams, Arthur Haywood, Sharif Street, Jordan A. Harris, Stephen Kinsey, Danilo Burgos, Austin Davis, Isabella Fitzgerald, Edward Gainey, Manuel M. Guzman, Jr., Malcolm Kenyatta, Patty H. Kim, and Peter Schweyer (“Pennsylvania Democratic Party Petition”). Specifically, Intervenors hereby incorporate by reference as if fully set forth herein the allegations in ¶¶ 3-4, 8-12, 31-100, 101-106, 109-123, 124-141, 162-170, 171-177, and 180-203 of the Pennsylvania Democratic Party Petition.

## **XII. Introduction**

2. Mail-in or absentee voting<sup>1</sup> in the United States has been widespread since the middle of the 19th Century. By the end of the Civil War, most states in the Union—including Pennsylvania—permitted their soldiers to vote absentee.<sup>2</sup> The ability of the military electorate to vote remotely contributed to Republican candidate Abraham Lincoln’s victory in the 1864 presidential election. Today, federal law requires all states and territories to facilitate mail-in voting by members of the military, military family members, and U.S. citizens residing abroad. *See, e.g.,* Uniformed and Overseas Citizens Absentee Voting Act, *see* 52 U.S.C. §§ 20301 *et seq.*; 39 U.S.C. §§ 3406 *et seq.* (providing that “balloting materials” under the Act “may be mailed at a post office established outside the United States”).

3. By the middle of the 20th century, most states had adopted some form of absentee balloting, for civilians and military.<sup>3</sup> In 1957, the Pennsylvania Constitution was amended to require that civilians, as well as members of the

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<sup>1</sup> According to the Trump Campaign—*i.e.*, Donald J. Trump for President, Inc.—“[i]n general use, ... the terms “mail-in” and “absentee” are used interchangeably to discuss the use of the United States Postal Service to deliver ballots to and from electors.” *See Donald J. Trump for President, Inc. v. Boockvar*, No. 20-cv-00966 (W.D. Pa. July 27, 2020), Dkt. 232 (“W.D. Pa. Amended Complaint”) at 4 n.1.

<sup>2</sup> *Pennsylvania’s Suffrage History Traces Slow Expansion of Rights*, THE MORNING CALL (Aug. 23, 1998), available at <https://www.mcall.com/news/mc-xpm-1998-08-23-3211571-story.html>.

<sup>3</sup> *For many Americans, Election Day is already here*, PEW RES. CTR. (Oct. 21, 2016), available at <https://www.pewresearch.org/fact-tank/2016/10/21/for-many-americans-election-day-is-already-here/>.

military, be afforded a right to vote by mail or absentee. That amendment provided a minimum list of reasons for which voters could choose to vote by mail or absentee: “The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the municipality of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who will not attend a polling place because of the observance of a religious holiday or who cannot vote because of election day duties, in the case of a county employee, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.” *See* PA. CONST., Art. VII § 14.

4. In October 2019, the Governor of Pennsylvania signed into law Act 77 of 2019. Among other measures, the bipartisan Act 77 created a new option to vote by mail without providing any excuse. In so doing, Pennsylvania joined, as of today, 32 other states and Washington D.C. in giving all access to vote-by-mail.<sup>4</sup>

5. Act 77 could not have been enacted at a more crucial time given the unprecedented global COVID-19 pandemic. By January 30, 2020, the World Health

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<sup>4</sup> *States with No-Excuse Absentee Voting*, NAT’L CONF. OF STATE LEGISLATURES, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-1-states-with-no-excuse-absentee-voting.aspx> (last accessed Aug. 8, 2020).

Organization declared COVID-19 a “public health emergency of international concern.”<sup>5</sup>

6. In the United States, the first COVID-19 death was reported on February 29, 2020. As of this August 6, 2020, over 4.8 million people in the United States have been confirmed infected with COVID-19; and over 157,000 people have died from the virus. In Pennsylvania, over 113,000 people have been infected with COVID-19 and over 7,200 people have died of the virus.<sup>6</sup> These are staggering numbers, but these numbers alone do not adequately capture the depth of loss the citizens of this country have endured (and are continuing to endure) since the COVID-19 pandemic began.

7. Seniors and people of any age who have certain underlying conditions such as high blood pressure, diabetes, chronic lung disease, or severe obesity are especially likely to have prolonged serious illness or to die from the virus. People of color have faced especially high rates of infection, complications, and death

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<sup>5</sup> *Statement on the second meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019-nCoV)*, WORLD HEALTH ORG., [https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-\(2005\)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-\(2019-ncov\)](https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-(2019-ncov)) (last accessed Aug. 6, 2020).

<sup>6</sup> *See generally Cases in the U.S.*, CTRS. FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last accessed Aug. 5, 2020).

resulting from this coronavirus.<sup>7</sup> Black Americans are disproportionately likely to contract and die from the virus—although they represent 10% of the population, they account for 21% of the State’s COVID-19 deaths.<sup>8</sup> Nationwide, Black Americans are dying at a rate almost two and a half times higher than white Americans;<sup>9</sup> poorer communities and persons over 60 have also been hard-hit (about 89% of deaths occurred in the over 60 age group).

8. To combat the spread of COVID-19, the Governor of Pennsylvania has ordered that “masks must be worn whenever anyone leaves home.” In addition, the Governor has advised that “[a]ll Pennsylvanians should practice social distancing—not just those who are seriously ill or at high risk.” According to the Governor,

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<sup>7</sup> *Health Equity Considerations and Racial and Ethnic Minority Groups*, CTRS. FOR DISEASE CONTROL & PREVENTION (updated July 24, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html> (citing higher rates of hospitalization and death from COVID-19 among ethnic minorities).

<sup>8</sup> *COVID-19 Data for Pennsylvania*, Penn. Dep’t Health (July 31, 2020), <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Cases.aspx>.

<sup>9</sup> *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.*, APM RES. LAB (Aug. 5, 2020), <https://www.apmresearchlab.org/covid/deaths-by-race>; Wyatt Koma et al., *Low-Income and Communities of Color at Higher Risk of Serious Illness If Infected with Coronavirus*, KAISER FAMILY FOUND. (May 7, 2020), <https://www.kff.org/coronaviruscovid-19/issue-brief/low-income-and-communities-of-color-at-higher-risk-of-serious-illness-ifinfected-with-coronavirus>; see also Rachel Nania, *Medicare Data Shows Older Minorities Hit Hardest by COVID-19*, AARP (July 29, 2020), <https://www.aarp.org/health/conditions-treatments/info-2020/minorities-hospitalized-at-higher-rates.html> (“Minorities are disproportionately affected by the coronavirus and the illness it causes. Black beneficiaries were hospitalized at higher rates than other racial and ethnic groups, the data collected from Jan. 1 to June 20 shows. COVID-19 cases were also highest among Blacks. ... [The American Indian and Alaskan Native] population has the second-highest rate of COVID-19 hospitalizations and third-highest rate of coronavirus cases, the new report shows. Meanwhile, Hispanic beneficiaries had the third-highest rate of hospitalizations and second-highest rate of reported infections.”).

“[s]ocial distancing means staying away from close contact in public spaces. It includes actions like staying out of places where lots of people gather and maintaining distance—approximately 6 feet—from others. Social distancing also includes minimizing contact with people by avoiding public transportation when possible, limiting nonessential travel, working from home, and skipping social gatherings.”<sup>10</sup>

9. Given the unprecedented public health threat posed by COVID-19, mail-in/absentee voting will play a critical role in ensuring a safe and fair general election this year. In-person voting creates significant health risks, potentially exposing voters and poll workers to infection while they stand in-line, indoors, where disease transmission is highest. Poll workers are especially vulnerable because they tend to be older; in 2018, most poll workers were over 60.<sup>11</sup> Due to the COVID-19 pandemic and the unavailability of poll workers, many of whom are seniors, polling locations were consolidated for the June 2020 primary election and will likely be consolidated again for the November 2020 general election. For example, “[t]he state’s two most populous counties, Philadelphia and Allegheny,

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<sup>10</sup> *Responding to COVID-19 in Pennsylvania*, available at <https://www.pa.gov/guides/responding-to-covid-19/#MaskUpPA> (last accessed Aug. 6, 2020).

<sup>11</sup> Michael Barthel & Galen Stocking, *Older People Account for Large Shares of Poll Workers and Voters in U.S. General Elections*, PEW RES. CTR. (Apr. 6, 2020), <https://www.pewresearch.org/fact-tank/2020/04/06/older-people-account-for-large-shares-of-poll-workers-and-voters-in-u-s-general-elections/>.

alone are shifting from the more than 2,100 polling places they open in a typical election to fewer than 500.”<sup>12</sup>

10. COVID-19 has had a disproportionate impact on minorities and persons with underlying medical conditions. Intervenors represent (and/or members include) these voters—seniors, racial minorities, and medically vulnerable individuals—and are particularly well-suited to advancing and protecting their interests to vote in the general election.

11. However, some politicians have baselessly charged that mail-in/absentee voting will lead to rampant fraud. Those charges erode faith in elections and create an urgent need for the Court to confirm and ensure the correctness of Pennsylvania’s electoral process, before the upcoming election, so that the results of the November 2020 general election can be clear of claims of fraud and illegality. A decision before the election takes place will also temper the conspiracy theories that any court orders are partisan or seek to alter the results of the election.

12. For example, in a lawsuit filed in federal court in the Western District of Pennsylvania. *See Donald J. Trump for President, Inc. v. Boockvar*, No. 20-cv-00966 (W.D. Pa. July 27, 2020), Dkt. 232 (“W.D. Pa. Amended Complaint”), the Amended Complaint alleged, *inter alia*, that:

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<sup>12</sup> *Massive Polling Place Consolidations Announced for June 2 Primary*, COMMITTEE OF SEVENTY (May 13, 2020), available at <https://seventy.org/media/press-releases/2020/05/13/massive-polling-place-consolidation-announced-for-the-june-2-primary>.



- Pennsylvania has “inexplicably chosen a path that jeopardizes election security *and will lead - and has already led - to the disenfranchisement of voters, questions about the accuracy of election results, and ultimately chaos* heading into the upcoming November 3, 2020 General Election.” W.D. Pa. Amended Complaint ¶ 1.
- “Defendants’ hazardous, hurried, and illegal implementation of unmonitored mail-in voting [] *provides fraudsters an easy opportunity to engage in ballot harvesting, manipulate or destroy ballots, manufacture duplicitous votes, and sow chaos.*” *Id.*
- “Permitting absentee and mail-in ballots of non-disabled electors to be collected at locations other than the offices of the county boards of elections and/or through “drop boxes” and other unmonitored and/or unsecured means and/or to be counted when not cast in the manner mandated by the Election Code *allows illegal absent and mail-in voting, ballot harvesting, and other fraud to occur and/or go undetected*, and will result in dilution of validly cast ballots.” *Id.* ¶ 202.

13. The W.D. Pa. Amended Complaint asserted that the use of drop-boxes for mail-in or absentee ballots is illegal and will lead to fraud. *See* W.D. Pa. Amended Complaint ¶ 5. The W.D. Pa. Amended Complaint also asserted that the counting of mail-in or absentee ballots that are missing secrecy envelopes is illegal and will lead to fraud. *Id.*

14. At a July 30, 2020 press briefing, the President highlighted the Western District of Pennsylvania case as “giv[ing] tremendous examples—numbers of

examples of all the fraud and all of the things that have taken place with respect to mail-in ballots.” The relevant exchange with a reporter is excerpted below:<sup>13</sup>

Q: So, Mr. President, you said that you don’t want to see a delay in the election, but then it looks like the process of these mail-in ballots is going to continue to November the 3rd.

THE PRESIDENT: Well, we have many court cases, John. We have one that’s been filed for a while now in western Pennsylvania, as an example, on mail-in ballots.

Q: So, I’m just wondering, is —

THE PRESIDENT: And, by the way, John, *we give tremendous examples — numbers of examples of all the fraud* and all of the things that have taken place with respect to mail-in ballots.

Q: I’m just wondering, *is the net effect of what you tweeted this morning and what you’re talking about now to cast doubt on the results of the November 3rd election?*

THE PRESIDENT: Well, it’s had an interesting impact. I didn’t know it was going to be the impact it had. What people are now looking at is: Am I right? But not me. *Are all these stories right about the fact that these elections will be fraudulent, they’ll be fixed, they’ll be rigged? And everyone is looking at it, and a lot of people are saying, “You know. that probably will happen.”*

15. However, there has been no widespread voter fraud in Pennsylvania, and no widespread voter fraud linked to drop-boxes or secrecy envelopes. The Pennsylvania 2020 Primary Election Report created by the Pennsylvania Department of State identified some cases of voter *error*, but not fraud. Only three

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<sup>13</sup> *Remarks by President Trump in Press Briefing – July 30, 2020*, WHITE HOUSE, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-press-briefing-july-30-2020/>.

ballots (of the nearly 2.9 million ballots voted) in Pennsylvania’s June 2020 primary election were voted by someone other than the voter—but in each of those cases, the person who voted the ballot received it in error, those ballots were voided and re-issued to the appropriate voter, and the determination was that the votes “did not appear to be willful nor attempted fraud.”<sup>14</sup> The Report concluded, “The data provided by the counties reinforces numerous independent studies that conclude *that mail ballot fraud is exceedingly rare*, and it demonstrates that the errors that occurred accounted for a very small fraction of the nearly 1.5 million absentee and mail-in ballots requested and cast by voters.”<sup>15</sup>

16. All forms of voter fraud are rare.<sup>16</sup> For example, Utah permits election officers to conduct elections by mail—i.e., all registered voters receive a ballot in the mail, although they may choose to cast a ballot in person.<sup>17</sup> Yet the Heritage Foundation reports only one recent case of voter fraud in Utah, from 2008, related to “a misdemeanor attempt to fraudulently register to vote in a 2006 election for

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<sup>14</sup> PENN. DEP’T STATE, *Pennsylvania 2020 Primary Election Act 35 of 2020 Report*, at 38 (Aug. 1, 2020), available at <https://www.dos.pa.gov/VotingElections/Documents/2020-08-01-Act35Report.pdf>.

<sup>15</sup> *Id.* at 39.

<sup>16</sup> See, e.g., *All This Talk of Voter Fraud? Across U.S., Officials Found Next to None*, NY TIMES (Dec. 18, 2016), available at <https://www.nytimes.com/2016/12/18/us/voter-fraud.html>; *Trump Is Pushing a False Argument on Vote-by-Mail Fraud. Here Are the Facts*, NY TIMES (July 31, 2020), <https://www.nytimes.com/article/mail-in-voting-explained.html>.

<sup>17</sup> *All-Mail Elections (aka Vote-By-Mail)*, NAT’L CONF. OF STATE LEGISLATURES (Mar. 24, 2020), <https://www.ncsl.org/research/elections-and-campaigns/all-mail-elections.aspx>.

sheriff.”<sup>18</sup> In Colorado, all registered voters have received a mail-in ballot since 2014, and there were only 62 referrals (out of 1.5 million ballots cast in the 2018 general election) to the state attorney general for potential investigation.<sup>19</sup>

17. Baseless allegations of illegality and voter fraud by political officials are not harmless. They depress turnout and threaten to undermine voter confidence in the results of the November 2020 general election, in the governance of officials who are elected, and in the legitimacy of the democratic process itself. That is exacerbated by the fact that the additional time<sup>20</sup> it may take to count mail-in ballots for the November 2020 election may lead to more airtime for allegations of illegality, misconduct, or even premature declarations of victory. This Court should conclusively confirm the legitimacy of Pennsylvania’s electoral process to forestall further dangerous allegations of fraud leading up to and after the November 2020 election.

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<sup>18</sup> *Election Fraud Database*, THE HERITAGE FOUNDATION, <https://www.heritage.org/voterfraud-print/search?state=UT> (last accessed Aug. 6, 2020).

<sup>19</sup> Alan Gionet, *Fraud in Ballots by Mail in Colorado? Not Much*, CBS4 DENVER (June 26, 2020), <https://denver.cbslocal.com/2020/06/26/fraud-ballots-mail-colorado-president-trump-claims/>.

<sup>20</sup> Meg Cunningham & Quinn Scanlan, *Mail-in Voting Delays in Primary Cause Pennsylvania to Sound Alarm about November*, ABC NEWS (June 9, 2020), <https://abcnews.go.com/Politics/mail-voting-delays-primary-pennsylvania-sound-alarm-november/story?id=71137361>.

### **XIII. Jurisdiction**

18. This Court has original jurisdiction in cases relating to statewide election matters. 42 Pa. C.S. § 764(2); *Mohn v. Bucks Cty. Republican Comm*, 218 A.3d 927 (Pa. Super. Ct. 2019).

### **XIV. Parties**

19. Common Cause Pennsylvania is a non-profit political advocacy organization and a chapter of the national Common Cause organization. With approximately 36,000 members and supporters in Pennsylvania, Common Cause Pennsylvania works to encourage civic engagement and public participation in democracy, to ensure that public officials and public institutions are accountable to and reflective of all people, and to implement structural changes through the American democratic process. Common Cause Pennsylvania is nonpartisan and uses grassroots mobilization, community education, coalition building, legislative advocacy, and litigation to build a democracy that includes everyone. Common Cause Pennsylvania is working to make sure that voters in communities that vote at the lowest rates and use vote-by-mail at the lowest rates—which are also the communities that have been hit hardest by COVID-19—can exercise their right to vote without putting their health at risk.

20. The League of Women Voters of Pennsylvania is a nonpartisan statewide non-profit formed in August 1920, shortly after the Nineteenth

Amendment granted women suffrage in November 1918. The League and its 2,273 members are dedicated to helping the people of Pennsylvania, especially their most vulnerable, safely exercise their right to vote, as protected by the law, and especially in light of the devastating impact of COVID-19. Its mission is to empower voters and defend democracy. The League promotes political responsibility through informed and active participation in government and acts on selected public issues. It impacts public policies, promotes citizen education, and makes democracy work by, among other things, removing unnecessary barriers to full participation in the electoral process. The League has pursued legal action against Pennsylvania officials to achieve these goals.

21. The Black Political Empowerment Project (B-PEP) is a non-profit, non-partisan organization that has worked since 1986 to ensure that the Pittsburgh Black American community votes in every single election. During every election cycle, B-PEP's work includes voter registration drives, get-out-the-vote activities, educational outreach about the voting process, and election-protection work. B-PEP focuses these activities in predominantly Black American neighborhoods in Allegheny County, with some efforts in Westmoreland and Washington Counties. In preparation for the November 3, 2020 election, B-PEP's work has included educating voters about recent changes to Pennsylvania election procedures and safe

voting during the COVID-19 pandemic, including encouraging voters to make use of Pennsylvania's new mail-in ballot option.

22. Make the Road Pennsylvania, a project of Make the Road States ("Make the Road PA"), is a not-for-profit, member-led organization formed in 2014 that builds the power of Latino and working-class communities to achieve dignity and justice through organizing, policy innovation, and education services. Make the Road PA's over 10,000 members are primarily working-class, Latino residents of Pennsylvania. Make the Road PA has offices in Allentown, Reading, and Philadelphia. However, the organization works across the state, including engaging members and constituents in Berks, Lehigh, Luzerne, Northampton, and Philadelphia counties. That work includes voter protection, voter advocacy (e.g., for the placement of drop-boxes), and voter education on, for example, how to register to vote, how to apply for mail-in/absentee ballots, how to return mail-in/absentee ballots, and where to vote. Leading up to the June 2020 primary election, Make the Road PA sent text messages to members and non-members to educate them on the location of ballot drop-boxes. The interests of Make the Road PA, and those of its members, would be harmed absent full relief in this case. For example, if drop-boxes are disallowed, Make the Road PA will be forced to re-allocate scarce resources to new, and different voter education efforts to inform members and non-members how to vote in the absence of drop-boxes. In an environment with

considerable misinformation and confusion about how to vote, the elimination of drop-boxes would add to the confusion, create challenges for Make the Road PA's voting-related initiatives, and make voting by Make the Road PA's members and constituents more difficult.

23. The organizational Intervenor*s* (*i.e.*, Common Cause Pennsylvania, League of Women Voters of Pennsylvania, B-PEP, Make the Road PA) represent, have as members, and/or have as constituents Pennsylvania voters who are particularly vulnerable to COVID-19—seniors, racial minorities, and medically vulnerable individuals.

24. Danielle Graham Robinson is a 44-year-old resident of the Brighton Heights neighborhood in Pittsburgh's Northside. She is a registered voter in Allegheny County.

25. Patricia M. DeMarco is a 74-year-old resident of Forest Hills Borough and a registered voter in Allegheny County. Ms. DeMarco is also an elected official on the Forest Hills Borough Council.

26. Kathleen Wise is a 62-year-old resident of South Park Township and a registered voter in Allegheny County.

#### **XV. The Need For Mail-In/Absentee Ballot Drop-Boxes**

27. Intervenor*s* incorporate by reference as if fully set forth herein the allegations in ¶¶ 8-12 and 31-100 of the Pennsylvania Democratic Party Petition.



28. Under Act 77, voters have until one week before an election day to request a mail-in ballot. Completed ballots must be received by 8 p.m. on election day to be counted. Drop-boxes are an important way for voters to cast their mail-in or absentee ballots during the COVID-19 pandemic—to protect themselves against the virus, and to ensure that their ballots are received by the 8 p.m. election day deadline.

29. Drop-boxes are also important because there is often very little time between the voter receiving her mail-in ballot, and when she must return it in time for it to be received by the county board of elections. According to elections officials, “[f]or many voters ... there’s no way to receive their ballots with enough time to return them. And because of the COVID-19 pandemic, many of those voters might not choose to instead vote in person.”<sup>21</sup> Before May 12, almost 90% of Pennsylvania voters who requested mail ballots ultimately voted, and the vast majority did so by mail.<sup>22</sup> But almost two in five mail ballot applications were processed within three weeks of the election; and for those voters, only about 76% ended up voting.<sup>23</sup>

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<sup>21</sup> Jonathan Lai, *Pennsylvania’s Mail Ballot Problems Kept Tens of Thousands from Voting in a Pandemic Primary*, PHILA. INQUIRER (July 30, 2020), <https://www.inquirer.com/politics/election/pa-mail-ballot-deadlines-disenfranchisement-20200730.html>.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

30. Drop-boxes are even more important now that the U.S. Postal Service is experiencing significant delays in delivering mail. The *Philadelphia Inquirer* reported that “[n]eighborhoods across the Philadelphia region are experiencing significant delays in receiving their mail, with some residents going upwards of three weeks without packages and letters, leaving them without medication, paychecks, and bills. The delays come at a time when the U.S. Postal Service is experiencing significant changes. The new Postmaster General’s policies eliminate overtime, order carriers to leave mail behind to speed up their workdays, and slash office hours, which — coupled with staffing shortages amid previous budget cuts and coronavirus absences — are causing extensive delivery delays.”<sup>24</sup>

31. If the U.S. Postal Service fails to deliver blank ballots to voters with sufficient time before election day, or deliver completed ballots to county boards of elections in time by election day, eligible voters will be disenfranchised. Voters, including Intervenors and Intervenors’ members/constituents, are legitimately

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<sup>24</sup> Ellie Rushing, *Mail Delays are Frustrating Philly Residents, and a Short-Staffed Postal Service Is Struggling to Keep Up*, PHILA. INQUIRER (Aug. 2, 2020), <https://www.inquirer.com/news/philadelphia/usps-tracking-in-transit-late-mail-delivery-philadelphia-packages-postal-service-20200802.html>; see also Michael D. Shear et al., *Mail Delays Fuel Concern Trump Is Undercutting Postal System Ahead of Voting*, NY TIMES (July 31, 2020), <https://www.nytimes.com/2020/07/31/us/politics/trump-usps-mail-delays.html> (“In recent weeks, at the direction of a Trump campaign megadonor who was recently named the postmaster general, the service has stopped paying mail carriers and clerks the overtime necessary to ensure that deliveries can be completed each day. That and other changes have led to reports of letters and packages being delayed by as many as several days.”).

concerned that U.S. Postal Service delays will lead to their votes not being received in time.

32. Drop-boxes are permitted under Pennsylvania law, which states that most electors who do not need special assistance “shall send [his or her absentee ballot] by mail, postage prepaid, except where franked, or deliver it in person to said county board of election.” Act 77 § 1306-D(a). Pennsylvania law does not define “said county board of election” as only one main office of each county board of elections. Instead, the Pennsylvania Election Code defines a county board of elections as a *body* “consist[ing] of the county commissioners of such county ex officio, or any officials or board who are performing or may perform the duties of the county commissioners” that “shall have jurisdiction over the conduct of primaries and elections in [each] county.” 25 P.S. § 2641(a) & (b). Indeed, the Pennsylvania Election code specifically authorizes counties to operate multiple “offices at the county seat” and “branch offices ... in cities other than the county seat.” *Id.* § 2645(b). Thus, nothing in Pennsylvania law prohibits county boards of elections from receiving completed mail-in or absentee ballots at drop-box locations.

*a. Intervenors’ 2020 Primary Experiences And Need For Drop-Boxes*

33. Intervenor Ms. Robinson rarely misses an election and, until the June 2020 Pennsylvania Primary, has always voted in person at her polling place. Due to several medical conditions that, according to the CDC, put her at greater risk of

serious illness and even death if she contracts COVID-19, Ms. Robinson decided to vote by mail for the June 2020 Pennsylvania Primary. She could not afford the risk of having to go to an indoor polling place, where she could be exposed to potentially many other people. Ms. Robinson applied for her mail-in ballot in early April 2020. Despite this early application, the Allegheny County Board of Elections' mail-in ballot tracker indicates they did not receive her ballot application until April 28. She did not know whether the mail was that slow or if the application sat in the Elections offices for a while. Ms. Robinson received her ballot sometime between May 14 and May 25. Because it was only a week before election day, she was nervous about relying on the U.S. Postal Service. In order to ensure her ballot was delivered on time, she personally took the ballot to the only place in Allegheny County that was accepting hand-delivered mail-in ballots, which was the County Office Building in downtown Pittsburgh where the Elections Bureau has its offices. While Brighton Heights is not that far from downtown, it is further than she could walk. She was not willing to risk her health by taking public transportation during the pandemic, especially given her health vulnerability. Consequently, she was forced to drive her car, which she had to park at a cost of \$15. Given the pandemic's economic impact, \$15 was a significant expense. She had to go into the building, which scared her because of the risk of exposure to strangers. Ms. Robinson would like to use a "no contact" drop box to make it easy and safe to deposit her mail-in ballot in November.

34. Intervenor Ms. DeMarco has voted in nearly every election, and cannot remember the last election in which she did not vote. Due to concern about exposure to COVID-19 if she voted in person at a polling place for the June 2020 primary election, Ms. DeMarco chose to vote by mail. She put her mail-in ballot in a public postal box well in advance of the ballot return deadline. However, when Ms. DeMarco checked the status of her ballot on the Allegheny County Board of Elections' website, she learned there was no indication that they received her ballot. When Ms. DeMarco checked the Allegheny County Board of Elections website on election day, it still did not indicate that they received her ballot. Ms. DeMarco had no choice but to go to her polling place, with two masks, to cast a ballot. She was made to vote provisionally because she had requested a mail-in ballot. To this day, she does not know if her ballot was counted. If there had been a conveniently located drop box for her ballot, in her Borough or at the polling place, she could have been assured that the County Elections Board received it.

35. Intervenor Ms. Wise has voted in every election she can remember, and always in person at her polling place. For the June 2020 primary election, she decided to vote by mail because of the COVID-19 pandemic. Her age and preexisting conditions put her at high risk of severe illness and death if she contracts the virus. She does not believe that going to a polling place, which is indoors and has strangers present, is safe. Even with a mask, she is afraid of the risk. She applied

for a mail-in ballot several weeks before election day. However, she did not receive her ballot until June 1, the Monday before election day. Knowing there was no way she could mail the ballot and be sure it would reach the county board of elections by the deadline—which was the very next day—she asked her daughter to take her completed mail-in ballot to her township’s one consolidated polling place, which was the fire hall on Broughton Road. The poll workers refused to accept the ballot and told Ms. Wise’s daughter that Ms. Wise had to bring it in personally. But Ms. Wise could not take the ballot to the fire hall personally because she did not have access to the household’s one car. Ms. Wise also had to care for her grandchildren, so even if she had access to the car, she would have been worried to take them to the polling place because she would be risking virus exposure for all three of them. Ms. Wise later learned that Allegheny County had only drop-box for the entire county, at the County Office Building in downtown Pittsburgh, and she would have no way to get there except possibly by mass transit, which she would not want to take during the pandemic (and with her grandchildren). For the first time in as long as she could remember, she was not able to vote in an election. Ms. Wise is determined to cast her vote in November 2020 but will likely need to vote by mail because of COVID-19. If she once again receives her ballot late, she will need some way to vote her mail-in ballot that does not require her to travel long distances, or to enter an indoor location congested with strangers.

36. Drop-boxes provide a safe, no contact, means for voters to safely cast a mail-in or absentee ballot during the COVID-19 pandemic.

**XVI. The Deadline For Receiving Mail-In/Absentee Ballots Should Be Extended**

37. Intervenors incorporate by reference as if fully set forth herein the allegations in ¶¶ 101-106 of the Pennsylvania Democratic Party Petition.

38. Voters have until one week before election day to request a ballot, and completed ballots must be returned to the county board of elections by 8 p.m. election day to be counted.<sup>25</sup> But the COVID-19 pandemic has caused a surge in applications for mail-in/absentee ballots, and resulted in extreme backlogs and delays at the County Boards of Elections in approving applications and sending blank ballots.

39. During the June 2020 primary, many Pennsylvania voters were not sent mail-in/absentee ballots early enough to receive it, vote it, and send it back for the ballots to be received by election day. The *Philadelphia Inquirer* estimated that 92,000 more Pennsylvanians would have voted in the June 2020 primary but for processing or delivery delays in the last three weeks before the primary election.<sup>26</sup>

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<sup>25</sup> See 25 P.S. §§ 3146.6(c), 3146.8(g)(1)(ii), 3150.16(c).

<sup>26</sup> Jonathan Lai, *Pennsylvania's Mail Ballot Problems Kept Tens of Thousands from Voting in a Pandemic Primary*, PHILA. INQUIRER (July 30, 2020), available at <https://www.inquirer.com/politics/election/pa-mail-ballot-deadlines-disenfranchisement-20200730.html>.

The *Inquirer* reported, “[f]or many voters, *elections officials said, there’s no way to receive their ballots with enough time to return them.* And because of the pandemic, many of those voters might not choose to instead vote in person.”<sup>27</sup> We now know that thousands of voters were effectively disenfranchised for the June 2020 primary election. Interest in the November 2020 general election will be even higher, potentially resulting in tens of thousands (or more) of voters being disenfranchised this fall. *See generally In re Absentee Ballots Case (No. 1)*, 245 A.2d 258, 262 (Pa. 1968) (“Here it is not a matter of disfranchising one person, but 5,506 persons because of ballots which no one claims were illegally marked, cast or counted. The disfranchisement of 5,506 citizens for following a procedure laid down by the election authorities would be unconscionable . . .”).

40. Given that the COVID-19 pandemic will prevent voters concerned for their safety from going to the polls in person, the processing delays by the county boards of elections due to a surge in mail-in/absentee ballot requests, and the significant mail delays at the U.S. Postal Service, many Pennsylvania voters will be disenfranchised in November 2020 because the county boards of elections will not receive their ballots by 8:00 p.m. on election day—even though the voters timely requested mail-in/absentee ballots pursuant to the deadlines set by the Election Code.

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<sup>27</sup> *Id.*



Under these extenuating circumstances, the current deadline poses a severe and undue burden on the right to vote given that thousands of ballots will arrive after the election day deadline, due to no fault of the voter. In this case, the state's interests in administering an election are outweighed by the deprivation of its citizens of their fundamental right to vote.

41. The Pennsylvania Department of State itself has recommended, based on the experience in the June 2020 Primary, “that counties be required to count votes that are received by the county board of elections no later than the Friday following an election, provided that the envelopes have been postmarked by Election Day.”<sup>28</sup> In other words, the Pennsylvania Department of State recognizes that an extension to the deadline for receiving mail-in/absentee ballots is necessary to solve the problem of voter disenfranchisement and “provide eligible voters the greatest ability to cast their vote.”<sup>29</sup>

42. There is no hardship by the County Boards of Elections to count ballots after election day. Pennsylvania already counts mail-in/absentee ballots from members of the military, their families, and overseas voters that are received one week after election day, under the Uniformed and Overseas Citizens Absentee

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<sup>28</sup> *Pennsylvania 2020 Primary Election Act 35 of 2020 Report* (Aug. 1, 2020) at 42, <https://www.dos.pa.gov/VotingElections/Documents/2020-08-01-Act35Report.pdf>.

<sup>29</sup> *Id.*

Voting Act (UOVACA).<sup>30</sup> Moreover, a number of counties successfully implemented a postmark deadline for the June 2020 primary election, pursuant to the Governor’s emergency order.<sup>31</sup>

43. Facing the COVID-19 pandemic, other courts have extended statutory deadlines for receiving mail-in/absentee ballots. For example, the U.S. District Court for the Western District of Wisconsin granted a preliminary injunction extending the state statutory deadline for receiving mail-in/absentee ballots for the spring primary election—from 8:00 p.m. on election day (April 7, 2020) to April 13, 2020. *See Democratic Nat’l Comm. v. Bostelmann*, No. 20-CV-249-WMC, 2020 WL 1638374, at \*16-17 (W.D. Wis. Apr. 2, 2020), *aff’d in part Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S. Ct. 1205 (2020) (affirming preliminary injunction extending deadline for state’s receipt of absentee ballots); *see also In re: Extension Of Time For Absentee Ballots To Be Received And Counted In The 2016 General Election*, C.A. No. 2016-26326 (Pa. Ct. C.P. Montgomery Cty. Nov. 3, 2016) (extending the deadline for receipt of absentee ballots upon petition by the Montgomery County Board of Elections).

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<sup>30</sup> *Pennsylvania*, FEDERAL VOTING ASSISTANCE PROGRAM, <https://www.fvap.gov/guide/chapter2/pennsylvania> (“Ballots must be received by 5:00 PM on the 7th day after the election.”) (last accessed Aug. 5, 2020).

<sup>31</sup> *Gov. Wolf Signs Executive Order Extending Mail Ballot Deadline in Six Counties to June 9*, GOVERNOR’S OFFICE (June 1, 2020), *available at* <https://www.governor.pa.gov/newsroom/gov-wolf-signs-executive-order-extending-mail-ballot-deadline-in-six-counties-to-june-9/>.

**XVII. The Boards Should Allow Imperfectly Completed Envelopes To Be Corrected**

44. Intervenors incorporate by reference as if fully set forth herein the allegations in ¶¶ 109-123 of the Pennsylvania Democratic Party Petition.

**XVIII. Imperfectly Packaged Ballots Lacking “Secrecy Envelopes” Should Be Counted**

45. Intervenors incorporate by reference as if fully set forth herein the allegations in ¶¶ 124-141 of the Pennsylvania Democratic Party Petition.

46. When a voter requests an absentee or mail-in ballot, the voter receives a (1) ballot, (2) a secrecy envelope, (3) an outer envelope, and (3) a sheet of instructions. The outer envelope has a bar code and the voter is required to fill out his/her name, address, party affiliation and provide a signature to be compared to the signature on the request. When returned, the bar code is scanned to provide record that person has voted. The sheet instructs the voter to secure the ballot in the secrecy envelope but does not warn the voter that the ballot will be voided if the secrecy envelope is not used.<sup>32</sup>

47. Upon information and belief, some county boards of elections counted ballots lacking secrecy envelopes (e.g., Philadelphia), but other county boards of elections did not (e.g., Lawrence).

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<sup>32</sup> See Debbie Wachter, *Judge to Rule on Voiding of Ballots without Secrecy*, NEW CASTLE NEWS (June 6, 2020), [https://www.ncnewsonline.com/news/local\\_news/judge-to-rule-on-voiding-of-ballots-without-secrecy/article\\_825a566f-7979-5bf6-ab53-8d8b2d3ed4f9.html](https://www.ncnewsonline.com/news/local_news/judge-to-rule-on-voiding-of-ballots-without-secrecy/article_825a566f-7979-5bf6-ab53-8d8b2d3ed4f9.html).

48. Pennsylvania law does not permit county boards of elections to void ballots simply because they are missing a secrecy envelope. Rather, Pennsylvania election law states:

The county board shall open the envelope of every unchallenged absentee elector and mail-in elector in such manner as not to destroy the declaration executed thereon. If any of the envelopes on which are printed, stamped or endorsed the words “Official Election Ballot” contain any text, mark or symbol which reveals the identity of the elector, the elector’s political affiliation or the elector’s candidate preference, the envelopes and the ballots contained therein shall be set aside and declared void. The county board shall then break the seals of such envelopes, remove the ballots and count, compute and tally the votes.

25 P.S. § 3146.8(g)(4). This law specifies that secrecy envelopes that “contain any text, mark or symbol . . . shall be set aside and declared void” but does not state that simply missing secrecy envelopes voids a ballot. The Pennsylvania state legislature clearly chose to describe the circumstances in which to void a ballot in some circumstances, but did not include missing secrecy envelopes for mail-in or absentee ballots. *Compare* 25 P.S. § 3050(a.4)(5)(ii)(C) (stating that ***provisional ballots*** “shall not be counted if . . . a provisional ballot envelope does not contain a secrecy envelope”).

49. Ballots lacking secrecy envelopes do not lead to voter fraud, and thus cannot be voided in the absence of express statutory authority. *Wieskerger Appeal*, 290 A.2d 108, 109 (Pa. 1972) (“In construing election laws while we must strictly

enforce all provisions to prevent fraud our overriding concern at all times must be to be flexible in order to favor the right to vote. Our goal must be to enfranchise and not to disenfranchise.”). The law here is clear that ballots lacking secrecy envelopes should be counted. Moreover, there are easy solutions to preserving voter anonymity when a secrecy envelope is missing—such as mixing up ballots lacking such an envelope, or contacting the voter and requesting that the voter submit a corrected ballot—that do not cause disenfranchisement.

### **XIX. Verification of Voters Who Seek to Vote by Mail**

50. The plaintiffs in the Western District of Pennsylvania case have taken the position that the Pennsylvania Department of State’s guidelines regarding verifying “in-person” applications for mail-in ballots<sup>33</sup> are contrary to Act 77’s requirements and must be disregarded. *See* W.D. Pa. Amended Complaint ¶¶ 116-121.

51. The W.D. Pa. Amended Complaint cites no evidence that any County Board of Elections failed to verify a mail-in voter’s qualifications and identity as required under Act 77 and 25 P.S. § 3146.2b.

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<sup>33</sup> PENN. DEP’T STATE, *Pennsylvania Applications and Balloting Guidelines: Mail-in and Absentee Ballots and Voter Registration Changes* (Jan. 10, 2020), at 3-4, [https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS\\_Act%2077\\_Absentee%20and%20Mail-in%20Guidance.pdf](https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/PADOS_Act%2077_Absentee%20and%20Mail-in%20Guidance.pdf) (“Requirements for in-person applications: ... A county board of elections cannot decline the voter’s application for a mail-in or absentee ballot, unless there is a bona fide objection to the mail-in or absentee ballot application.”).

52. Intervenors seek a declaratory judgment that the Pennsylvania's Department of State's guidelines regarding verification of in-person applications do not violate Act 77, and that County Boards of Elections need only perform the verification measures required by statute.

## **XX. Delivery of Ballots to Voters**

53. Section 1305 of the Election Code requires a county board of elections to begin delivering or mailing ballots to voters no later than 14 days before a primary or election. According to the Pennsylvania Department of State, “[b]ased on the experiences of the primary election, ... this is not nearly enough.”<sup>34</sup>

54. The Pennsylvania Department of State recommended: “that the deadline for counties to begin delivering or mailing ballots to voters be increased to at least 28 days before the election, and if a third-party vendor is used, counties should be required to submit the initial list of approved applicants to its third-party vendor(s) no fewer than 35 days prior to an election. These changes would help ensure that voters receive their ballot earlier and have an appropriate amount of time to complete and return their ballot.”<sup>35</sup>

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<sup>34</sup> PENN. DEP'T STATE, *Pennsylvania 2020 Primary Election Act 35 of 2020 Report*, at 42 (Aug. 1, 2020), <https://www.dos.pa.gov/VotingElections/Documents/2020-08-01-Act35Report.pdf>.

<sup>35</sup> *Id.*

55. Although a permanent legislative fix may be required in the future, intervention is urgently needed in this case given the delays caused by the COVID-19 pandemic and U.S. Postal Service to ensure that blank ballots are sent with sufficient time for the ballots to be voted, and timely returned.

**COUNT I**  
**Drop-Boxes**

57. Intervenors incorporate by reference as if fully set forth herein ¶¶ 27-36 of this Petition. Intervenors incorporate by reference as if fully set forth herein ¶¶ 162-170 of the Pennsylvania Democratic Party Petition (Petitioners' Count I).

58. Intervenors seek a declaratory judgment that County Boards of Elections may validly receive mail-in/absentee ballots at drop-boxes, because drop-boxes are permitted under Pennsylvania law, and also because of the undue burden that would otherwise be imposed on voters during the current COVID-19 pandemic.

**COUNT II**  
**Extension of Deadline for Receipt of Mail-in/Absentee Ballots**

59. Intervenors incorporate by reference as if fully set forth herein ¶¶ 37-43 of this Petition. Intervenors incorporate by reference as if fully set forth herein ¶¶ 171-177 and 180-183 of the Pennsylvania Democratic Party Petition (Petitioners' Count II).

60. The Pennsylvania Constitution guarantees to voters the right to participate in a free and fair election. Pa. Const. art. I § 5.

61. Intervenor seeks an injunction ordering Respondents to allow any ballot mailed by 8:00 p.m. (*i.e.*, as evidenced by postmark, or other indicia of mailing, such as any type of mark on the return envelope, including but not limited to a bar code or any other tracking marks used by the U.S. Postal Service or other delivery service, that can be used to demonstrate that the ballot was mailed on or before election day) on November 3, 2020 to be counted so long as it is received by the Boards by the deadline for ballots to be received by the UOVACA Deadline, at 5:00 pm on Tuesday, November 10, 2020.

62. An injunction is necessary to prevent disenfranchisement, which cannot be compensated by damages.

63. There is a clear need for, and right to, relief because the current deadline for receipt of ballots poses an undue burden on the right to vote, given the COVID-19 pandemic's impact on voters concerned for their safety on going to the polls in person, the processing delays by the county boards of elections due to a surge in mail-in/absentee ballot requests, and the significant mail delays at the U.S. Postal Service.

64. The balance of hardships favors granting relief, because the County Boards of Elections already count UOVACA ballots received by November 10, 2020.



**COUNT III**  
**Curing Envelopes**

65. Intervenors incorporate by reference as if fully set forth herein ¶ 44 of this Petition. Intervenors incorporate by reference as if fully set forth herein ¶¶ 184-191 of the Pennsylvania Democratic Party Petition (Petitioners' Count III).

**COUNT IV**  
**Secrecy Envelopes**

66. Intervenors incorporate by reference as if fully set forth herein ¶¶ 45-49 of this Petition. Intervenors incorporate by reference as if fully set forth herein ¶¶ 192-203 of the Pennsylvania Democratic Party Petition (Petitioners' Count IV).

**COUNT V**  
**Verification of Applications**

67. Intervenors incorporate ¶¶ 50-52 of this Petition.

68. Intervenors seek a declaratory judgment that the Pennsylvania's Department of State's guidelines regarding verification of in-person applications for mail-in/absentee ballots do not violate Act 77.

**COUNT VI**  
**Delivery of Ballots to Voters**

62. Intervenors incorporate ¶¶ 53-55 of this Petition.

63. Intervenors seek an injunction ordering Respondents to begin delivering or mailing ballots to voters no later than 28 days before the November 2020 election, and if a third-party vendor is used, Respondents should be required

to submit the initial list of approved applicants to its third-party vendor(s) no fewer than 35 days prior to an election.

69. An injunction is necessary to prevent disenfranchisement, which cannot be compensated by damages.

70. There is a clear need for, and right to, relief because the current deadline for county boards of elections to begin delivering or mailing ballots poses an undue burden on the right to vote, given the processing delays by the county boards of elections due to a surge in mail-in/absentee ballot requests as a result of COVID-19, and the significant mail delays at the U.S. Postal Service.

71. The balance of hardships favors granting relief, because the Pennsylvania Department of State has already determined the feasibility of advancing the deadline to begin delivery of mail-in/absentee ballots and has made the recommendation Intervenors seek.

WHEREFORE, Petitioners pray this Honorable Court to order make the above declarations and issue the requested injunctive relief.

Dated: August 10, 2020

Witold J. Walczak<sup>†</sup> (PA No. 62976)  
AMERICAN CIVIL LIBERTIES UNION OF  
PENNSYLVANIA  
P.O. Box 23058  
Pittsburgh, PA 15222  
Tel: (412) 681-7736  
vwalczak@aclupa.org  
Jason H. Liss\*  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6699  
Jason.Liss@wilmerhale.com

Dale Ho\*<sup>†</sup>  
Sophia Lin Lakin\*<sup>†</sup>  
Adriel I. Cepeda Derieux\*<sup>†</sup>  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004  
Tel.: (212) 549-2500  
dho@aclu.org  
slakin@aclu.org  
acepedaderieux@aclu.org

Sarah Brannon\*<sup>†++</sup>  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
915 15<sup>th</sup> Street, NW  
Washington, DC 20005  
Tel: (202) 210-7287  
sbrannon@aclu.org

Ezra Rosenberg\*<sup>+</sup>  
John Powers\*<sup>+</sup>  
Voting Rights Project

Respectfully submitted,

/s/ Lori A. Martin  
Lori A. Martin (PA No. 55786)  
Christopher R. Noyes\*<sup>†</sup>  
Eleanor Davis\*<sup>†</sup>  
Jared Grubow\*<sup>†</sup>  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(212) 230-8800  
Lori.Martin@wilmerhale.com  
Christopher.Noyes@wilmerhale.com  
Eleanor.Davis@wilmerhale.com  
Jared.Grubow@wilmerhale.com

Jason H. Liss\*<sup>†</sup>  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6699  
Jason.Liss@wilmerhale.com

Samantha Picans\*<sup>†</sup>  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
1225 Seventeenth Street, Suite 2600  
Denver, CO 80202  
(720) 598-3477  
Sam.Picans@wilmerhale.com

David P. Yin\*<sup>†</sup>  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
1875 Pennsylvania Avenue NW  
Washington, DC 20006  
(202) 663-6677

LAWYERS' COMMITTEE FOR CIVIL  
RIGHTS UNDER LAW  
1500 K Street NW, Suite 900  
Washington, DC 20005  
Tel: (202) 662-8300  
erosenberg@lawyerscommittee.org  
jpowers@lawyerscommittee.org

Mary M. McKenzie<sup>†</sup> (PA No. 47434)  
Benjamin D. Geffen<sup>†</sup> (PA No. 310134)  
PUBLIC INTEREST LAW CENTER  
1500 JFK Blvd., Suite 802  
Philadelphia, PA 19102  
Telephone: 215-627-7100  
Fax: 215-627-3183  
mmckenzie@pubintl.org  
bgeffen@pubintl.org

*\*Pro hac vice* forthcoming.

<sup>†</sup> Notice of appearance forthcoming.

<sup>++</sup>Not admitted DC; DC practice limited  
to federal court only.

David.Yin@wilmerhale.com

*Counsel for Common Cause Pennsylvania; The  
League of Women Voters of Pennsylvania; The  
Black Political Empowerment Project; Make  
the Road Pennsylvania, a project of Make the  
Road States; Patricia M. DeMarco; Danielle  
Graham Robinson; and Kathleen Wise*

**PUBLIC ACCESS POLICY CERTIFICATE OF COMPLIANCE**

It is hereby certified by the undersigned 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.

Respectfully submitted,

*/s/ Lori A. Martin*

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Lori A. Martin (PA No. 55786)  
WILMER CUTLER PICKERING HALE  
AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(212) 230-8800  
Lori.Martin@wilmerhale.com

Dated: August 10, 2020

**VERIFICATION**

I am authorized to make this verification on behalf of Common Cause Pennsylvania. I have personal knowledge of the statements made in the foregoing proposed Petition for Review for Declaratory and Injunctive Relief, and verify that those statements are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

      /s/ Suzanne Almeida        
Signature

      Suzanne Almeida, Interim Director        
Name and Position

Date:       8/20/2020

**VERIFICATION**

I am authorized to make this verification on behalf of the League of Women Voters of Pennsylvania. I have personal knowledge of the statements made in the foregoing proposed Petition for Review for Declaratory and Injunctive Relief, and verify that those statements are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

/s/ Terrie Griffin  
Signature

Terrie Griffin, Co-President  
Name and Position

Date: 8/10/2020

**VERIFICATION**

I am authorized to make this verification on behalf of the Black Political Empowerment Project. I have personal knowledge of the statements made in the foregoing proposed Petition for Declaratory and Injunctive Relief, and verify that those statements are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



\_\_\_\_\_  
Tim Stevens  
Chairman, CEO

Date: 8/10/20



## VERIFICATION

I am authorized to make this verification on behalf of Make the Road Pennsylvania. I have personal knowledge of the statements made in the foregoing proposed Petition for Declaratory and Injunctive Relief, and verify that those statements are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

/s/ Ivan Garcia  
Ivan Garcia  
Civic Engagement Director

Date: August 10, 2020

## **VERIFICATION**

I verify that the statements made in the foregoing proposed Petition for Declaratory and Injunctive Relief are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

/s/ Patricia M. DeMarco

Signature

Patricia M. DeMarco

Name

Date: Aug. 10, 2020

## **VERIFICATION**

I verify that the statements made in the foregoing proposed Petition for Declaratory and Injunctive Relief are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

/s/ Danielle Graham Robinson

Signature

Danielle Graham Robinson

Name

Date: Aug. 10, 2020

**VERIFICATION**

I verify that the statements made in the foregoing proposed Petition for Declaratory and Injunctive Relief are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

/s/ Kathleen Wise

Signature

Kathleen Wise

Name

Date: Aug. 10, 2020