

IN THE SUPREME COURT OF PENNSYLVANIA

DISABILITY RIGHTS
PENNSYLVANIA, *et al.*,

Petitioners,

v.

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

Respondents.

No. 83 MM 2020

**RESPONDENTS' ANSWER TO
PETITIONERS' APPLICATION FOR SPECIAL RELIEF IN THE
NATURE OF A PRELIMINARY INJUNCTION**

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

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*Not admitted to practice in Pennsylvania.
Motion for Pro Hac Vice admission to be filed.

TUCKER LAW GROUP
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BACKGROUND

1. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

2. Admitted in part and denied in part. Respondents admit that Act 77 was enacted on October 31, 2019. The remaining averments of this paragraph are conclusions or statements of law to which no response is required. They are accordingly denied.

3. Admitted in part and denied in part. Respondents admit that an unprecedented number of Pennsylvanians are taking advantage of absentee voting and the Commonwealth's newly implemented mail-in balloting procedure, the latter of which is being offered for the first time this year. By way of further response, Respondents admit that the COVID-19 crisis is presenting challenges with respect to the administration of the 2020 primary election, and state that they are working with county boards of elections to overcome these challenges. Respondents deny that there are, at present, substantial backlogs in processing mail-in or absentee ballot applications, and state that based on current progress and barring a change in circumstances, they expect that counties will be able to timely process primary ballot applications. Respondents deny that voters who are unwilling to mail back their ballots will be "forced" to vote in person at their polling places; voters may also return their ballots in person to county election

offices. Respondents admit that voters who request a mail-in or absentee ballot and then choose to vote in person at their polling places will be required to vote by provisional ballot, but deny, if alleged, that provisional ballots cast by qualified electors will go uncounted. The remaining averments in this paragraph constitute (i) allegations about which Respondents, after reasonable investigation, lack knowledge or information sufficient to form a belief as to their truth, or (ii) allegations that are conclusions or statements of law to which no response is required. They are accordingly denied.

4. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

INJUNCTIVE RELIEF

5. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

6. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

7. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

8. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

9. Denied. The averments of this paragraph are conclusions or

statements of law to which no response is required.

10. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

11. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

12. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

13. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

14. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

15. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

16. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

17. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

18. Admitted in part and denied in part. Respondents admit that the Commonwealth has a primary election scheduled for June 2, 2020. The remaining averments of this paragraph are conclusions or statements of law to which no

response is required. They are accordingly denied.

19. Denied. The averments of this paragraph are conclusions or statements of law to which no response is required.

WHEREFORE, Respondents respectfully request that this Court deny Petitioners' application for special relief in the nature of a preliminary injunction.

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

Dated: May 11, 2020

By: /s/ Michele D. Hangle
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CERTIFICATION REGARDING PUBLIC ACCESS POLICY

I 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.

Dated: May 11, 2020

/s/ Michele D. Hangle
Michele D. Hangle