IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT

DAVID BALL, JAMES D. BEE, JESSE D.
DANIEL, GWENDOLYN MAE DELUCA,
ROSS M. FARBER, LYNN MARIE
KALCEVIC, VALLERIE SICILIANOBIANCANIELLO, S. MICHAEL STREIB,
REPUBLICAN NATIONAL COMMITTEE.

NATIONAL REPUBLICAN

CONGRESSIONAL COMMITTEE, AND REPUBLICAN PARTY OF PENNSYLVANIA,

Petitioners

٧.

LEIGH M. CHAPMAN, IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF THE COMMONWEALTH, AND ALL 67 COUNTY BOARDS OF ELECTIONS,

Respondents

: No. 102 MM 2022

ORDER

PER CURIAM

AND NOW, this 21st day of October, 2022, the Petitioners' Application for the Exercise of King's Bench Power or Extraordinary Jurisdiction is **GRANTED** as follows:

- 1. The Court assumes its King's Bench authority over the instant appeal.
- 2. The Court directs Petitioners to submit briefing, limited to the following issues, by **Monday, October 24, at noon**. The Court directs Respondents to submit briefing, limited to the following issues, by **Tuesday, October 25, at noon**.
- 3. The issues are as follows:
 - a. Do the Petitioners have standing to bring the instant appeal?

- b. Does the Election Code's instruction that electors "shall . . . date" absentee and mail-in ballots, 25 P.S. §§ 3146.6(a); 3150.16(a), require that the votes of those electors who do not comply with that instruction are not counted?
- c. Assuming, *arguendo*, that this Court answers the second issue in the affirmative, would such a result violate the materiality provision of the Civil Rights Act of 1964? See 52 U.S.C. § 10101(a)(2)(B).

The Applications for Intervention of the following parties are hereby **GRANTED:** the Democratic Congressional Campaign Committee, the Democratic National Committee, and the Pennsylvania Democratic Party. The Court directs Intervenors to submit briefing, limited to the foregoing issues, by **Tuesday, October 25, at noon.**

The remaining Applications for Intervention by the Democratic Senate Campaign Committee, the League of Women Voters of Pennsylvania, Philadelphians Organized to Witness, Empower and Rebuild, the Black Political Empowerment Project, Common Cause Pennsylvania, the NAACP Pennsylvania State Conference, and Make the Road Pennsylvania are **DENIED**. However, those Applicants may file briefs as *amici curiae*.

Amicus curiae briefs, limited to the above-listed issues, will be received. Amici curiae who support Petitioners' position and amici curiae who do not support the position of either Petitioners or Respondents shall submit their briefs by Monday, October 24, at noon. Amici curiae who support Respondents' position shall submit their briefs by Tuesday, October 25, at noon. No reply briefs will be permitted, and no requests for extension of time will be entertained.

Absent further Order of this Court, this matter will be decided on submitted briefs.