

**IN THE SUPREME COURT OF PENNSYLVANIA**

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**No. 108 MM 2024**

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Republican National Committee and Republican Party of Pennsylvania,  
Petitioners,

v.

Al Schmidt, in his official capacity as Secretary of the Commonwealth,  
and All 67 County Boards of Elections

Respondents.

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**PETITIONERS' RESPONSE TO APPLICATION FOR LEAVE  
TO INTERVENE FILED BY FAITH A. GENSER, FRANK P. MATIS,  
CENTER FOR COALFIELD JUSTICE, WASHINGTON BRANCH NAACP,  
BRUCE JACOBS, JEFFREY MARKS, JUNE DEVAUGHN HYTHON,  
ERIKA WOROBEC, SANDRA MACIOCE, KENNETH ELLIOTT,  
AND DAVID DEAN**

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Kathleen A. Gallagher  
(PA #37950)  
THE GALLAGHER FIRM,  
LLC  
436 7<sup>th</sup> Avenue, 30th Fl.  
Pittsburgh, PA 15219  
412.308.5512 (Phone)

John M. Gore\*  
E. Stewart Crosland  
Louis J. Capozzi III  
(PA #327261)  
JONES DAY  
51 Louisiana Ave.,  
N.W.  
Washington, D.C.  
20001  
202.879.3939 (Phone)

Thomas W. King, III  
(PA #21580)  
Thomas E. Breth  
(PA #66350)  
DILLON, McCANDLESS,  
KING, COULTER &  
GRAHAM, LLP  
128 W. Cunningham St.  
Butler, PA 16001  
724.283.2200 (Phone)

*\* pro hac vice motion  
forthcoming*

*Counsel for Petitioners*

**RESPONSE BY THE REPUBLICAN NATIONAL COMMITTEE AND  
REPUBLICAN PARTY OF PENNSYLVANIA TO THE APPLICATION FOR  
LEAVE TO INTERVENE FILED BY THE *GENSER* AND *CCJ* PLAINTIFFS**

Petitioners Republican National Committee and the Republican Party of Pennsylvania (collectively “Petitioners”), by and through undersigned counsel, hereby file this Response to the Application for Leave to Intervene (“Application for Intervention”) filed by the Plaintiffs in two separate actions currently pending in the Pennsylvania appellate courts, *Genser v. Butler County Board of Elections*, and *Center for Coalfield Justice v. Washington County Board of Elections*.

At its most foundational level, Petitioners’ King’s Bench Application seeks to ensure uniformity with regard to the administration of mail ballots in Pennsylvania in the upcoming 2024 General Election (and elections moving forward). *See e.g.*, King’s Bench Application at 2, 29-31.<sup>1</sup>

The instant Application for Intervention was filed by two groups of Plaintiffs who are currently engaged in pending legal battles including the current appeal before this Court in *Genser v. Butler Bd. of Elec.*, 27 WAP 2024 (“*Genser*”) and the current appeal pending in the Commonwealth Court in *Center for Coalfield Justice v. Washington County Bd. of Elec.*, No. 1172 C.D. 2024 (“*CCJ*”). While these cases

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<sup>1</sup> This Response uses “mail ballot” to refer to both absentee ballots and mail-in ballots. *See* 25 P.S. §§ 3146.6, 3150.16.

began in different counties and resulted in vastly differing conclusions by the relevant trial court, *Genser* and *CCJ* share important commonality. Each arose out of the Secretary's utilization of the SURE system to implement notice and cure procedures and each share the common goal of forcing the county boards of election to engage in notice and cure procedures via provisional voting. Hence, the very existence of the pending *Genser* and *CCJ* matters reinforce the need for the Pennsylvania Supreme Court to accept the King's Bench Application and provide much-needed state wide clarity and uniformity on these issues in advance of the 2024 General Election.

Permitting the Petitioners from the *Genser* and *CCF* matters to intervene in this action would provide the most efficient manner to have these crucial issues decided in advance of the Election in a single proceeding where all necessary parties are present.

Accordingly, Petitioners do not object to the intervention of the *Genser* and *CCJ* Plaintiffs and respectfully urge the Court to accept the King's Bench Application, to exercise its powers under 42 Pa.C.S. § 726 to take jurisdiction over the *CCJ* matter presently before the Commonwealth Court, and to decide that matter as well as the *Genser* appeal pending in this Court as part of the adjudication of Petitioners' King's Bench Application.

September 22, 2024

Respectfully submitted,

/s/ Kathleen A. Gallagher

Kathleen A. Gallagher

PA I.D. #37950

THE GALLAGHER FIRM, LLC

436 Seventh Avenue, 30th Floor

Pittsburgh, PA 15219

Phone: (412) 308-5512

kag@gallagherlawllc.com

John M. Gore (*pro hac vice*)

E. Stewart Crosland

Louis J. Capozzi III

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001

Phone: (202) 879-3939

jmgore@jonesday.com

scrosland@jonesday.com

lcapozzi@jonesday.com

Thomas W. King, III

Thomas E. Breth

DILLON, McCANDLESS, KING,

COULTER & GRAHAM, LLP

128 W. Cunningham St.

Butler, PA 16001

Phone: (724) 283.2200

tking@dmkcg.com

tbreth@dmkcg.com

*Counsel for Petitioners*

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the United 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.

**THE GALLAGHER FIRM LLC**

Dated: September 22, 2024

/s/ Kathleen A. Gallagher  
Kathleen A. Gallagher

*Counsel for Petitioners*