

No. 112 MM 2024

In the Supreme Court of Pennsylvania

NEW PA PROJECT EDUCATION FUND, *ET AL.*,

PETITIONERS,

v.

**AL SCHMIDT, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE
COMMONWEALTH, AND ALL 67 COUNTY BOARD OF ELECTIONS,**

RESPONDENTS.

**ANSWER TO PETITIONERS' APPLICATION FOR
EXERCISE OF KING'S BENCH JURISDICTION**

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Elections and Luzerne County Board of
Elections and Registration*

Respondents Lackawanna County Board of Elections and Luzerne County Board of Elections and Registration take no position on whether the Court should exercise King's Bench jurisdiction over the issue raised in the Application.

“There is a ‘longstanding and overriding policy in this Commonwealth to protect the elective franchise.’” *Shambach v. Bickhart*, 845 A.2d 793, 798 (Pa. 2004) (quoting *Petition of Cioppa*, 626 A.2d 146, 148 (Pa. 1993)); *see also Perles v. Cnty. Return Bd. of Northumberland Cnty.*, 202 A.2d 538, 540 (Pa. 1964) (“The disfranchisement of even one person validly exercising his right to vote is an extremely serious matter.”). Accordingly, Respondents reserve the right to submit a brief on the merits if the Court decides to exercise King's Bench jurisdiction.

Dated: September 26, 2024

Respectfully submitted:



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CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I, Timothy E. Gates, 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.



Timothy E. Gates

Date: September 26, 2024

PROOF OF SERVICE

I, Timothy E. Gates, hereby certify that I served the forgoing Answer upon all counsel of record via the Court's PACFile eService system, which service satisfies the requirements of Pa. R.A.P. 121.



Timothy E. Gates

Date: September 26, 2024