

IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY,
PENNSYLVANIA, CIVIL DIVISION

DOUG HAGER
860 Penllyn Blue Bell Pike
Suite 240
Blue Bell, PA 19422

Petitioner/Plaintiff,

v.

MONTGOMERY COUNTY BOARD OF
COMMISSIONERS,
Montgomery County Courthouse
P.O. Box 511
Norristown, PA 19404-0313,

MONTGOMERY COUNTY BOARD OF
ELECTIONS
One Montgomery Plaza
425 Swede Street, Suite 602
Norristown, PA 19401

MONTGOMERY COUNTY VOTER
REGISTRATION COMMISSION
One Montgomery Plaza
425 Swede Street, Suite 602
Norristown, PA 19401

JAMILIA H. WINDER, in her official capacity
Montgomery County Courthouse
P.O. Box 511
Norristown, PA 19404-0313,

NEIL MAKHIJA, in his official capacity
Montgomery County Courthouse
P.O. Box 511
Norristown, PA 19404-0313,

And

NO. 2024-23656



2024-23656-0001 10/15/2024 11:36 AM # 14614290
Rcpt#24840010 Fee:\$0.00 Petition
Main (Public)
MontCo Prothonotary

18

FRANK DEAN, in his official capacity
One Montgomery Plaza
425 Swede Street
Suite 602
Norristown, PA 19404-0311,

Respondents/Defendants.

PETITION FOR A SPECIAL AND PRELIMINARY INJUNCTION

Petitioner, Doug Hager, files this petition for a special and preliminary injunction and aver as follows:

1. Petitioner incorporates his verified complaint by reference.
2. 25 Pa.C.S.A. § 1322 identifies the specific requirements for “In-person voting registration” in Pennsylvania.
3. 25 Pa.C.S.A. § 1322(a) mandates that the Commission “prepare and provide voter registration applications for the purpose of registering qualified electors in accordance with this section.
4. 25 Pa.C.S.A. § 1322(a) also mandates county the Commission to make voter registration applications readily available to the public.
5. 25 Pa.C.S.A. § 1322(b) explicitly requires the Commission to provide **public notice** regarding voter registration locations and hours.
6. 25 Pa.C.S.A. § 1322(b) mandates that the Commission “publicly announce the address of each place of registration, the address of each office of the commission established for the registration of qualified electors other than its main

office and the days and hours when the place or office is open for the registration of qualified electors.”

7. Additionally, 25 Pa.C.S.A. § 1322(b) states this announcement “shall be made by posting notice at the place or office and at the commission's main office and by other means as the commission deems advisable.”

Defendants are Violating 25 Pa.C.S.A. § 1322

8. Defendants have announced that they have commissioned a “mobile voter services” van. According to Defendants, this mobile voter services van is equipped to provide the same services as a regular satellite office. Citizens can register to vote, update their registration, request a mail-in ballot and return their completed ballot at the mobile voter services van. *Pennsylvania's First Voter Services Mobile Satellite Office Hits Road in Montgomery County*, 2024 Press Releases, October 5, 2024. <https://www.montgomerycountypa.gov/CivicAlerts.aspx?AID=4508> (last visited October 13, 2024). A Copy of Montgomery County's October 5, 2024, press release is attached as Exhibit “A.”

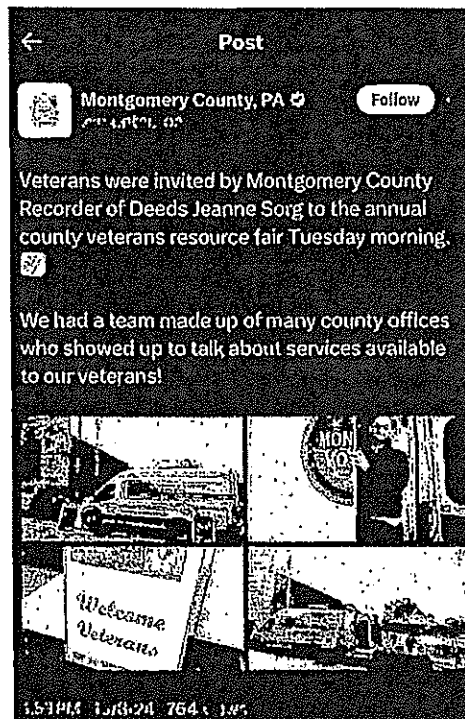
9. Defendants admit that their mobile services van is in addition to their fixed voter services satellite offices. *Id.*

10. Defendants have not publicly announced the time and location for the mobile voter services van, however, according to Montgomery County the mobile voter services van has already been in service as it had “its first public appearance at Abington Township's Fall Festival at Crestmont Park.” A screenshot of Montgomery

County's website page regarding Voter Registration is attached as Exhibit "B".

<https://www.montgomerycountypa.gov/CivicAlerts.aspx?AID=4508>

11. Thereafter, on October 8, 2024, the mobile voting services van made another appearance at the annual Montgomery County veterans resource fair without Dofondants publicly announcing in location advance:



Montgomery County, PA (@montgo_pa), X (formerly Twitter) (October 8, 2024, 2:59 p.m.) https://x.com/montco_pa/status/1843728055446950182

12. Defendants' implementation of a mobile voter services van for voter registration and other election-related services violates 25 Pa.C.S.A. § 1322.

13. *First*, the statute requires the Commission to publicly announce the address of each place of registration at **both** the Commission's office **and** the place where the registration will occur. By operating a mobile voter services van without a fixed address and without first publicly disclosing where the van will be, Defendants fail to meet this requirement. The law clearly intends for voters to have specific, known locations where they can register to vote. A mobile voter services van with an unannounced schedule and changing locations does not fulfill this statutory obligation.

14. *Second*, 25 Pa.C.S.A. § 1322(b) mandates that the Commission announce the days and hours when each registration place is open. Defendants' plan to deploy the mobile voter services van without providing a comprehensive schedule of its operations violates this provision. Voters are entitled to know in advance when and where they can access registration services, which is not possible with an unscheduled mobile unit.

15. Furthermore, the law requires that the announcement of registration locations and hours be made "within a reasonable time." 25 Pa.C.S.A. § 1322(b). By planning to deploy the mobile voter services van without prior public announcement of its schedule and locations, Defendants are not providing this information within a reasonable timeframe, especially considering the proximity to the upcoming election.

16. *Third*, the statute also specifies that the announcement should be made by posting notice at the place of registration and at the Commission's main office. With a mobile voter services van, there is no fixed location to post such notices.

Because of this, the Commission must post notices at every location that the van will conduct any in-person voter registration well in advance to satisfy the statute's dictates. This lack of posted notices further undermines the transparency that the law aims to ensure in the voter registration process.

17. Additionally, while the law allows for the Commission to use "other means as the commission deems advisable" to announce registration locations, this provision is intended to supplement, not replace, the required postings and public announcements. The Defendants' reliance on a mobile voter services van without fixed schedules and locations fails to meet the spirit and letter of this requirement.

18. By operating this mobile voter services van without adhering to the notification requirements outlined in 25 Pa.C.S.A. § 1322(b), the Defendants are not only violating the law but also disadvantaging voters who rely on clear, advance notice of registration opportunities. This approach could lead to unequal access to voter registration services, which is contrary to the fundamental principles of fair and transparent election processes.

19. A special and preliminary injunction is necessary to prevent the Defendants from denying Mr. Hager his right to notice under the Voter Registration Act of the time, place, and location of voter registration in the County.

20. The provision in question is a public notice provision, and the public's access to voter registration offices is of paramount public importance, see *Devlin v. Osser*, 254 A.2d 303, 304-05 (Pa. 1969). Thus, individuals who are registered voters

and want to observe the process, or unregistered residents who want to become registered voters, would be harmed.

21. The five elements for the issuance of a preliminary injunction are (1) the injunction is necessary to prevent immediate and irreparable harm, which cannot be compensated by damages; (2) greater injury would result by refusing it than by granting it; (3) an injunction will restore the parties to the status quo as it existed immediately before the alleged wrongful conduct; (4) the alleged wrong is manifest, and the injunction is reasonably suited to abate it; and (5) the plaintiff's right to relief is clear. *Kierski v. Twp. of Robinson*, 810 A.2d 196, 198 (Pa. Cmwlth. Ct. 2002).

22. Each of these five elements exists here.

23. First, "the unlawful action by the Election Board per se constitutes immediate and irreparable harm." *Hempfield Sch. Dist. v. Election Bd. of Lancaster Cnty.*, 574 A.2d 1190, 1193 (Pa. Commw. Ct. 1990). *See also, Shaeffer v. City of Lancaster*, 754 A.2d 719, 723 (Pa. Commw. Ct. 2000) ("Statutory violations are sufficiently injurious to constitute irreparable harm.").

24. Second, greater injury will result if the injunction is not entered than if it is granted.

25. Third, the injunction will maintain the status quo, which is the last lawful status that existed before Defendants' offending conduct started. *Hatfield Twp. v. Lexon Ins. Co.*, 15 A.3d 547, 555 (Pa. Commw. Ct. 2011). An injunction will also assure that the Defendants comply with 25 Pa.C.S.A. § 1322(b).

26. Fourth, the requested injunction is limited to abating the harm. Plaintiff is not requesting Court intervention to disallow any mobile voter registration van from operating, rather, Plaintiff seeks court intervention to prevent the Board from acting outside the bounds of the Voter Registration Act.

27. Fifth, plaintiff's right to relief is clear.


PRAYER FOR RELIEF

Plaintiff respectfully requests that this Honorable Court grant his petition for a special and preliminary injunction ordering as follows:

- a. Declaring that defendants are violating 25 Pa.C.S.A. § 1322(b) by conducting in-person voter registration activities from a mobile voter services van without providing proper public notice of the times and locations of when and where the mobile voter services van will be conducting these activities both at the Commission's main office and at every location where the Commission will be conducting in-person voter registration.
- b. Issuing a preliminary and permanent injunction enjoining Defendants from conducting voter registration via the mobile voter services van until the following conditions are satisfied:
 - i. A fixed schedule: The Defendants are required to create and publicly announce a comprehensive schedule for the mobile voter services van, including specific dates, times, and fixed locations for its operations at least (fourteen) 14 days in advance. These locations should be treated as temporary registration sites.

- ii. Post public notices: For each scheduled location, the Defendants are required to post physical notices at the site and at the commission's main office, detailing the dates and hours of operation for the mobile van at that location.
 - iii. Online announcements: The Defendants are required to maintain an up-to-date schedule on the county's official website, listing all planned locations, dates, and times for the mobile van's operations.
 - iv. Multiple communication channels: The Defendants are required to use various communication methods (e.g., local newspapers, social media, community bulletins) to announce the van's schedule and locations.
- c. Declaring that Defendants are required to maintain detailed records of all mobile registration activities, including locations visited, services provided, and number of voters served.
- d. Declaring that Defendants are required to submit regular reports to the court demonstrating their compliance with these requirements; and
- e. Awarding plaintiff any other appropriate relief.

Respectfully submitted,


/s/ Walter S. Zimolong

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(215) 665-0842

Date: October 15, 2024

IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY,
PENNSYLVANIA, CIVIL DIVISION

DOUG HAGER

Petitioner/Plaintiff,

v.

MONTGOMERY COUNTY BOARD OF
COMMISSIONERS, ET A.

Respondents/Defendants.

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: NO. 2024-23656
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ORDER FOR SPECIAL AND PRELIMINARY INJUNCTION

AND NOW, this _____ day of _____ 2024, upon consideration of the Verified Complaint, Petition for a Special and Preliminary Injunction of Plaintiff and Supporting Memorandum of Law and after a hearing held on _____, the Court it is hereby **ORDERED AND DECREED** as follows:

1. Defendants are violating 25 Pa.C.S. § 1322 by conducting in-person voter registration activities from a mobile voter services van without providing proper notice of the dates, times and locations of when and where the mobile voter services van will be conducting these activities; and
2. Defendants shall be immediately enjoined from conducting voter registration via the mobile voter services van until the following conditions are satisfied:
 - a. **A fixed schedule:** The Defendants are required to create and publicly announce a comprehensive schedule for the mobile voter services van, including specific dates, times, and fixed locations for its

operations at least (fourteen) 14 days in advance. These locations should be treated as temporary registration sites.

- b. **Post public notices:** For each scheduled location, the Defendants are required to post physical notices at the site and at the commission's main office, detailing the dates and hours of operation for the mobile van at that location.
 - c. **Online announcements:** The Defendants are required to maintain an up-to-date schedule on the county's official website, listing all planned locations, dates, and times for the mobile van's operations.
 - d. **Multiple communication channels:** The Defendants are required to use various communication methods (e.g., local newspapers, social media, community bulletins) to announce the van's schedule and locations.
3. Defendants shall be required to maintain detailed records of all mobile registration activities, including locations visited, services provided, and number of voters served.
 4. The Defendants shall be required to submit regular reports to the court demonstrating their compliance with these requirements.

BY THE COURT:

IN THE COURT OF COMMON PLEAS, MONTGOMERY COUNTY,
PENNSYLVANIA, CIVIL DIVISION

DOUG HAGER

Petitioner/Plaintiff,

v.

MONTGOMERY COUNTY BOARD OF
COMMISSIONERS, ET AL.

Respondents/Defendants.

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: NO. 2024-23656
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RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 2024, upon consideration of the foregoing Petition for a Special and Permanent Injunction, it is hereby **ORDERED** that Defendants show cause before this Court on the ____ day of 2024, at _____ in Courtroom _____, or as soon thereafter as counsel can be heard why a Special and Preliminary Injunction providing the relief sought in the accompanying Petition should not be entered; and

IT IS FURTHER ORDERED that respondent/defendants and anyone acting on their behalf are enjoined and precluded from using a mobile voter services van for the purposes of registering voters until further order of this Court.

BY THE COURT:
