

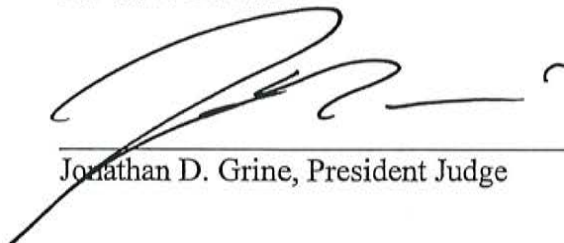
IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA  
CIVIL ACTION-LAW

MICHELLE M. SCHELLBERG, et al., :  
Petitioners :  
v. : No. 2024-CV-3002-CI  
CENTRE COUNTY BOARD OF :  
ELECTIONS, :  
Respondent :

**ORDER**

AND NOW, this 13<sup>th</sup> day of November, 2024, an on-the-record status conference on Petitioner's Petition from the November 5, 2024 General Election as May be Statistically Recounted by the Centre County Elections on November 14, 2024 is scheduled for **Wednesday, November 13, 2024 at 1:00 pm** in **Courtroom No. 3**, Centre County Courthouse, 102 S. Allegheny Street, Bellefonte, Pennsylvania.

BY THE COURT:



Jonathan D. Grine, President Judge

**FILED FOR RECORD**  
**2024 NOV 13 AM 09 27**  
**JEREMY S. BREON**  
**PROTHONOTARY**  
**CENTRE COUNTY, PA**

Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet



County

For Prothonotary Use Only:

Docket No:  
2024-CV-3002-C1

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

|   |  |
|---|--|
| <b>Commencement of Action:</b><br><input type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition<br><input type="checkbox"/> Transfer from Another Jurisdiction <input type="checkbox"/> Declaration of Taking |  |
| Lead Plaintiff's Name:<br>Michelle M Schellberg   | Lead Defendant's Name:<br>Centre Co Board of Elections   |
| Are money damages requested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  | Dollar Amount Requested: <input type="checkbox"/> within arbitration limits<br><input type="checkbox"/> outside arbitration limits (check one) |
| Is this a <i>Class Action Suit</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  | Is this an <i>MDJ Appeal</i> ? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| Name of Plaintiff/Appellant's Attorney: <u>Louis T. Glantz</u><br><input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)  |  |

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

|  |  |   |
|--|--|---|
| <b>TORT (do not include Mass Tort)</b><br><input type="checkbox"/> Intentional<br><input type="checkbox"/> Malicious Prosecution<br><input type="checkbox"/> Motor Vehicle<br><input type="checkbox"/> Nuisance<br><input type="checkbox"/> Premises Liability<br><input type="checkbox"/> Product Liability (does not include mass tort)<br><input type="checkbox"/> Slander/Libel/ Defamation<br><input type="checkbox"/> Other: _____ | <b>CONTRACT (do not include Judgments)</b><br><input type="checkbox"/> Buyer Plaintiff<br><input type="checkbox"/> Debt Collection: Credit Card<br><input type="checkbox"/> Debt Collection: Other<br>_____<br><input type="checkbox"/> Employment Dispute: Discrimination<br><input type="checkbox"/> Employment Dispute: Other<br>_____<br><input type="checkbox"/> Other: _____   | <b>CIVIL APPEALS</b><br>Administrative Agencies<br><input type="checkbox"/> Board of Assessment<br><input checked="" type="checkbox"/> Board of Elections<br><input type="checkbox"/> Dept. of Transportation<br><input type="checkbox"/> Statutory Appeal: Other<br>_____<br><input type="checkbox"/> Zoning Board<br><input type="checkbox"/> Other: _____        |
| <b>MASS TORT</b><br><input type="checkbox"/> Asbestos<br><input type="checkbox"/> Tobacco<br><input type="checkbox"/> Toxic Tort - DES<br><input type="checkbox"/> Toxic Tort - Implant<br><input type="checkbox"/> Toxic Waste<br><input type="checkbox"/> Other: _____   | <b>REAL PROPERTY</b><br><input type="checkbox"/> Ejectment<br><input type="checkbox"/> Eminent Domain/Condemnation<br><input type="checkbox"/> Ground Rent<br><input type="checkbox"/> Landlord/Tenant Dispute<br><input type="checkbox"/> Mortgage Foreclosure: Residential<br><input type="checkbox"/> Mortgage Foreclosure: Commercial<br><input type="checkbox"/> Partition<br><input type="checkbox"/> Quiet Title<br><input type="checkbox"/> Other: _____ | <b>MISCELLANEOUS</b><br><input type="checkbox"/> Common Law/Statutory Arbitration<br><input type="checkbox"/> Declaratory Judgment<br><input type="checkbox"/> Mandamus<br><input type="checkbox"/> Non-Domestic Relations Restraining Order<br><input type="checkbox"/> Quo Warranto<br><input type="checkbox"/> Replevin<br><input type="checkbox"/> Other: _____ |
| <b>PROFESSIONAL LIABILITY</b><br><input type="checkbox"/> Dental<br><input type="checkbox"/> Legal<br><input type="checkbox"/> Medical<br><input type="checkbox"/> Other Professional: _____   |  |   |

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

MICHELLE M. SCHELLBERG, et al.

Petitioners

vs.

CENTRE COUNTY BOARD OF  
ELECTIONS,

Respondent

No. 2024 CY-3002-C1

:  
:  
: PETITION FROM THE NOVEMBER 5, 2024  
: GENERAL ELECTION AS MAY BE  
: STATISTICALLY RECOUNTED THE CENTRE  
: COUNTY BOARD OF ELECTIONS

:  
:  
:  
: File on Behalf of Petitioner:  
: Michelle M. Schellberg, et al.

:  
:  
:  
: Counsel of Record For this Party:  
: Louis T. Glantz, Esquire  
: Atty. ID 31657  
: louis.glantz@gmail.com

:  
:  
: **GLANTZ JOHNSON & ASSOC.**  
: 1901 E. College Ave.  
: State College, PA 16801  
: Telephone: 814-238-0221  
: Facsimile: 814-238-8016

**FILED FOR RECORD**  
**2024 NOV 12 PM03 50**  
**JEREMY S. BREON**  
**PROTHONOTARY**  
**CENTRE COUNTY, PA**

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

MICHELLE M. SCHELLBERG, et al.,

No. 2024 - CV-3002-C1

Petitioners

vs.

CENTRE COUNTY BOARD OF  
ELECTIONS,

Respondent

**PETITION FROM THE NOVEMBER 5, 2024 GENERAL ELECTION AS MAY BE  
STATISTICALLY RECOUNTED BY THE CENTRE COUNTY  
ELECTIONS ON NOVEMBER 14, 2024**

Petitioners, Michelle M. Schellberg, et al, by and through their undersigned counsel, files the within Petition from the November 5, 2024 general election as may be statistically recounted by the Centre County Board of Elections on November 14, 2024, in which the Centre County Board of Elections may knowingly statistically recount the vote count despite having improperly and under violation of Pennsylvania law excluded all votes except in person ballots under Pennsylvania law 25 P.S. §3031.17, Exhibit 1. In addition the Centre County Election Board has given no indication it tends to comply with the State law in future elections.

1. Petitioner Michelle M. Schellberg, a Centre County registered voter who resides at 250 Genesis Drive, Port Matilda, PA 16870, is a qualified elector in Centre County.

2. Additional Petitioner's names and addresses are attached and made part by this reference. Each of the named Petitioners are Centre County registered voters qualified as electors in Centre County.

3. On November 5, 2024, the general election was held in Centre County.
4. On Friday, November 8, 2024, the Centre County Election Board, contrary to Pennsylvania law, advised over the objection of the Petitioner the required statistically recount to be conducted on Thursday, November 14, 2024, would include only in person ballots in direct contravention of the Pennsylvania Statute which requires all ballots to be included in the random sample.
5. Respondent is aware of the Pennsylvania Statute, 20 P.S. §3031.17 which is attached as Exhibit 1 and made part by this reference.
6. 25 PA. STAT. Section 3031.5, the Secretary of the Commonwealth )b\_ requirements provides certain voting systems, including the system used by Centre County requires they must also comply with the Secretary of the Commonwealth's requirements report.
7. The Secretary of the Commonwealth report issued on January 13, 2023 (cover age and page 26 attached) requires the voting system used by Centre County (DS 6300) to conduct statistical recoounts to be done by a random sample of ballots after each election exclusively by manual recount of the voter marked paper ballots.
8. By statistically recounting only in person ballots, the Respondent is disenfranchising all (over 20% of the votes in this election) who voted by mail in ballots.
9. Respondents were advised in person of their error by the Petitioners at the Respondent's meeting on Friday, November 8, 2024 at which time the Petitioner advised the Respondent to include all ballots as set forth in the Pennsylvania Code in the statistically recount.

10. Respondent has indicated they will continue to mistakenly violate Pennsylvania law in this and future elections by statistically recounting only in person ballots despite mail in ballots comprising over 20% of the ballots.

11. If allowed to continue, the unlawful actions of the Respondent will deprive future lawful mail in Pennsylvania voters from having their vote count and be properly statistically recounted.

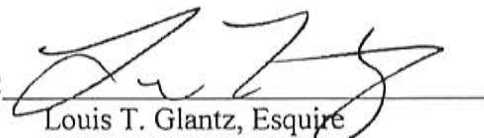
WHEREFORE, Petitioners respectfully request this Honorable Court enter an Order granting the Petitioners' Petition and the Respondent include all ballots in the random 2024 statistically recount and in future elections in conformance with 25 P.S. §3031.17 and manually recount paper ballots in accordance with the Secretary of the Commonwealth report issued January 13, 2023.

Respectfully submitted:

GLANTZ, JOHNSON & ASSOCIATES

Dated: 11-12, 2024

BY:



Louis T. Glantz, Esquire  
1901 E. College Ave.  
State College, PA 16801  
(814) 238-2491  
Attorney for Michelle M. Schellberg,  
et al., Petitioners  
*[louis.glantz@gmail.com](mailto:louis.glantz@gmail.com)*

25 P.S. § 3031.17



User Name: LOUIS GLANTZ  
Date and Time: Tuesday, November 12, 2024 12:23:00 PM EST  
Job Number: 238395510

**Document (1)**

1. 25 P.S. § 3031.17  
Client/Matter: -None-  
Search Terms: 25 p.s. 3031.17  
Search Type: Natural Language

**25 P.S. § 3031.17**

Pa.C.S. documents are current through 2024 Regular Session Act 134; P.S. documents are current through 2024 Regular Session Act 134

*Pennsylvania Statutes, Annotated by LexisNexis® > Pennsylvania Statutes (§§ 1 — 2710) > Title 25. Elections & Electoral Districts (Chs. 1 — 17) > Chapter 14. Election Code (§§ 2600 — 3591) > Article XI-A. Electronic Voting Systems (§§ 3031.1 — 3031.22)*

**Notice**

†† This section is effective 1 year after Dec. 9, 2002.

**§ 3031.17. Statistical sample**

The county board of elections, as part of the computation and canvass of returns, shall conduct a statistical recount of a random sample of ballots after each election using manual, mechanical or electronic devices of a type different than those used for the specific election. The sample shall include at least two (2) per centum of the votes cast or two thousand (2,000) votes whichever is the lesser.

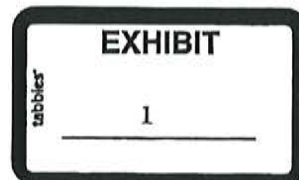
**History**

Act 1980-128 (H.B. 382), P.L. 600, § 4, approved July 11, 1980, eff. Immediately.

Annotations

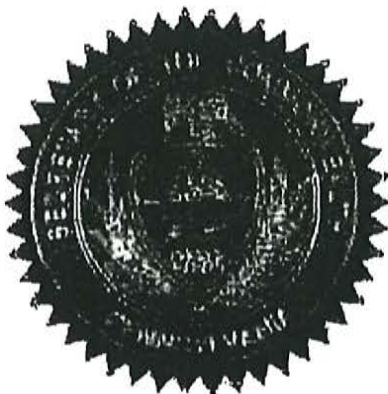
**Notes to Decisions**

Governments: State & Territorial Governments: Elections



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE**

**REPORT CONCERNING THE EXAMINATION RESULTS OF  
ELECTIONS SYSTEMS AND SOFTWARE EVS 6300 WITH DS200 AND  
DS300 PRECINCT SCANNER, DS450, DS850, AND DS950 CENTRAL  
SCANNERS, EXPRESSVOTE HW 2.1 MARKER, EXPRESSVOTE XL  
MARKER AND TABULATOR, AND ELECTIONWARE EMS**



**Issued By:**

*Leigh M. Chapman*

**Leigh M. Chapman  
Acting Secretary of the Commonwealth  
January 13, 2023**



voting be preserved (*see* Pa. Const Art. VII § 4; and Section 1107-A(l) of the Election Code, 25 P.S. § 3031.7(1)).

- B. No components of the EVS 6300 shall be connected to any modem or network interface, including the Internet, at any time. A standalone local area wired network configuration may be considered, in which all connected devices are certified voting system components. Transmission of unofficial results can be accomplished by writing results to media and moving the media to a different computer that may be connected to a network. Any wireless access points in the district components of EVS 6300, including wireless LAN cards or network adapters, must be uninstalled or disabled prior to shipping to a county board of elections.
- C. Regional Results, included in the EAC certified components of EVS6300 is not certified for use in Pennsylvania.
- D. Because EVS 6300 is a paper-based system, counties using the EVS 6300 must comply at a minimum with Section 1117-A of the Election Code, 25 P.S. § 3031.17, that requires a “statistical recount of a random sample of ballots after each election using manual, mechanical or electronic devices of a type different than those used for the specific election.” This audit must be conducted exclusively via a manual count of the voter marked paper ballots. Counties must include in the sample ballots such samples as may be marked by ADA compliant components. Counties are advised to consult the Directive Concerning the Use, Implementation and Operations of Electronic Voting Systems by the County Boards of Elections issued by the Secretary of the Commonwealth on June 9, 2011, any subsequent revisions of that Directive, and any other directives that may apply to audits of electronic voting systems.
- E. All jurisdictions implementing the EVS 6300 need to carry out a full Logic and Accuracy test on each device without fail and maintain evidence of Logic

**CERTIFICATE OF COMPLIANCE**

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.

Submitted by: Glantz Johnson & Associates

Signature:  \_\_\_\_\_

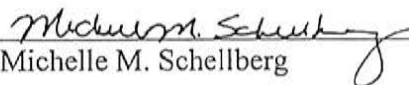
Name: Louis T. Glantz, Esquire

Attorney No.: 31657

VERIFICATION

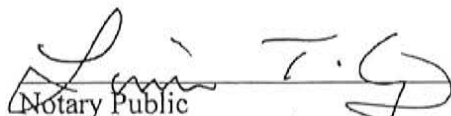
I, Michelle M. Schellberg, hereby states that I am one of the petitioners in this action, I am a registered voter in Centre County, Pennsylvania and did vote in the November, 2024 general election, and that the statements of fact made in the foregoing document are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. §4904 relating to unsworn falsification to authorities.

Dated: 11-12-2024

  
Michelle M. Schellberg

Sworn to and subscribed before me  
this \_\_\_\_ day of November, 2024.

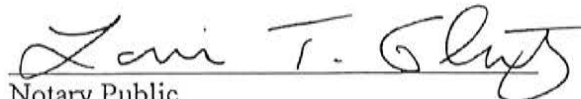
Commonwealth of Pennsylvania - Notary Seal  
Louis T. Giantz, Notary Public  
Centre County  
My commission expires October 26, 2025  
Commission number 1059277  
Member, Pennsylvania Association of Notaries

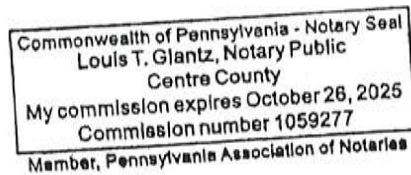
  
Notary Public

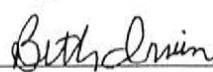
We, the undersigned, hereby state that each of us is one of the Petitioners in this action, are each registered voters in Centre County, Pennsylvania and did vote in the November, 2024, general election, and that the statements of fact made in the foregoing document are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that the statements here are made subject to the penalties of 18 PA. Cons. Stat §4904 relating to unsworn falsification to authorities.

|               |   |                                |
|---------------|---|--------------------------------|
| Printed name  | Signature   | Address                        |
| Kenneth Layng |  | 525 Kristina Cir S/C, PA 16803 |

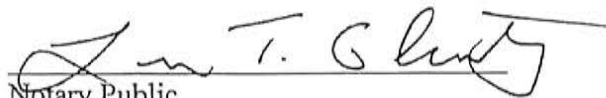
Sworn to and subscribed before me  
this 12 day of November, 2024.

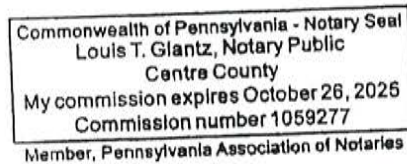
  
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|--------------|---|---|
| Printed Name | Signature   | Address                                 |
| Beth Irvin   |  | 460 Flat Rock Rd. Port Matilda PA 16870 |

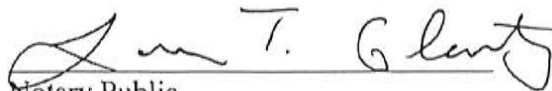
Sworn to and subscribed before me  
this 12 day of November, 2024

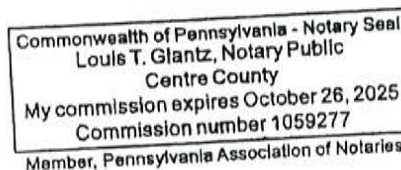
  
Notary Public



|                   |   |   |
|-------------------|---|---|
| Printed Name      | Signature   | Address                                 |
| Deborah D. Lintal |  | 1447 Willowbrook Dr. Boalsburg PA 16827 |

Sworn to and subscribed before me  
this 12 day of November, 2024.

  
Notary Public



Printed name

Signature

Address

KYLE WITMER

*[Handwritten Signature]*

11 W HICKORY ST, PHILIPSBURG, PA 16865

Sworn to and subscribed before me  
this 12 day of November, 2024.

Commonwealth of Pennsylvania - Notary Seal  
Louis T. Glantz, Notary Public  
Centre County  
My commission expires October 26, 2025  
Commission number 1059277  
Member, Pennsylvania Association of Notaries

*[Handwritten Signature]*  
Notary Public

Printed Name

Signature

Address

Christa Gallagher Christa Gallagher 217 Kimber Lee Drive Port Matilda  
PA 16870

Sworn to and subscribed before me  
this 12 day of November, 2024

Commonwealth of Pennsylvania - Notary Seal  
Linda D. Neff, Notary Public  
Centre County  
My commission expires November 25, 2024  
Commission number 1119558  
Member, Pennsylvania Association of Notaries

*[Handwritten Signature]*  
Notary Public

Printed Name

Signature

Address

William J. Gallagher *[Handwritten Signature]* 217 Kimber Lee Dr. Port Matilda

Sworn to and subscribed before me  
this 12 day of November, 2024.

Commonwealth of Pennsylvania - Notary Seal  
Linda D. Neff, Notary Public  
Centre County  
My commission expires November 25, 2024  
Commission number 1119558  
Member, Pennsylvania Association of Notaries

*[Handwritten Signature]*  
Notary Public

Printed name

Signature

Address

Claudia Lopez



406 S. main St. Pleasant Gap PA  
16823

Sworn to and subscribed before me  
this 12 day of November, 2024.

Commonwealth of Pennsylvania - Notary Seal  
Linda D. Neff, Notary Public  
Centre County  
My commission expires November 25, 2024  
Commission number 1119558  
Member, Pennsylvania Association of Notaries

  
Notary Public

Printed Name

Signature

Address

Margaret Bigham



240 Varsity Lane  
State College Pa. 16803

Sworn to and subscribed before me  
this 12 day of November, 2024

Commonwealth of Pennsylvania - Notary Seal  
Linda D. Neff, Notary Public  
Centre County  
My commission expires November 25, 2024  
Commission number 1119558  
Member, Pennsylvania Association of Notaries

  
Notary Public

Printed Name

Signature

Address

Linda D Neff



125 Camino Del Sol  
Howard PA 16841

Sworn to and subscribed before me  
this 12 day of November, 2024.

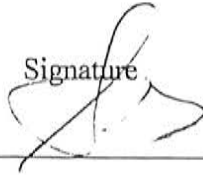
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Centre County  
My commission expires October 26, 2025  
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Member, Pennsylvania Association of Notaries

  
Notary Public

Printed name

Susan Lopez

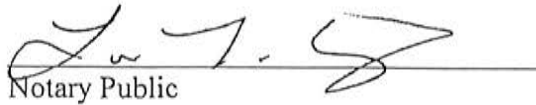
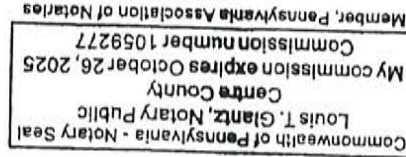
Signature



Address

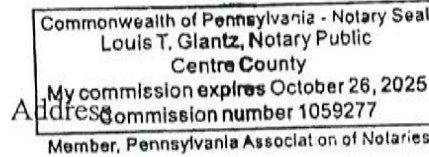
406 S. Main St. Pearsant 69 PA 16823

Sworn to and subscribed before me  
this 12 day of November, 2024.

  
Notary Public

Printed Name

Signature



Sworn to and subscribed before me  
this \_\_\_\_ day of November, 2024.

\_\_\_\_\_  
Notary Public

Printed Name

Signature

Address

Sworn to and subscribed before me  
this \_\_\_\_ day of November, 2024.

\_\_\_\_\_  
Notary Public