

IN THE SUPREME COURT

<p>David Ball, <i>et al.</i>,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">v.</p> <p>LEIGH M. CHAPMAN, in her official capacity as Acting Secretary of the Commonwealth, <i>et al.</i>,</p> <p style="text-align: center;">Respondents.</p>	<p>No. 102 MM 2022</p>
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**APPLICATION FOR RECONSIDERATION/MOTION TO CLARIFY
SUPPLEMENTAL ORDER OF NOVEMBER 5, 2022**

1. On November 5, 2022, this Honorable Court issued a Supplement Order with respect to the issue of segregating and not counting incorrectly dated outer envelopes.

2. Specifically, the Order directed counties to treat the following as “incorrectly dated outer envelopes:

mail-in ballot outer envelopes with dates that fall outside the date range of September 19, 2022, through November 8, 2022; and (2) absentee ballot outer envelopes with dates that fall outside the date range of August 30, 2022, through November 8, 2022. See 25 P.S. §§ 3150.12a, 3150.15, 3146.2a(a), 3146.5(a)

3. The date range provided by the Court is the range of dates as calculated by the various statutes cited at the end of the Order based upon Election Day following in November 2022 on November 8, 2022, without regard to actual receipt/ mailing date of the ballot by the voter as shown in SURE or the actual return of the ballot by the voter as stamped on the outer envelope and registered in SURE.

4. With all due respect to this Honorable Court, the Supplemental Order actually raises more questions than it answered and makes it confusing to the various Boards of Elections.

5. For instance, in Blair County, mail-in ballots and/or absentee ballots were not available for pick-up at the Election Office until October 12, 2022, and were not mailed until October 14, 2022.

6. One interpretation of the Court's Order might be that since October 12, 2022, is within the date ranges provided, a voter who returns a ballot dated September 19, 2022, should **NOT** be segregated and **SHOULD** be counted despite the fact that *the voter could not have received the ballot until October 12, 2022, at the very earliest, if not later.*

7. Confusingly, a similar voter who dates their outer envelope September 18, 2022, would require the Board of Elections to segregate their outer envelope and not count their ballot even though this similar voter would not have had possession of their ballot until October 12, 2022, at the very earliest, if not later.

8. Blair County Board of Elections respectfully submits that the first date in the date range for determining an incorrect date should be a date that is after either August 30, 2022, with respect to absentee ballot outer envelopes or September 19, 2022, with respect to mail-in ballot outer envelopes **AND** is the date or date thereafter that the voter is shown in SURE as having received the ballot, if picked up at the Election Office, or the ballot was mailed to the voter by the county.

9. The Blair County Board of Elections is seeking clarification that it is not required to segregate an outer envelope and is required to count a ballot that is within the date range set forth in the Supplemental Order even though the voter did not actually have the ballot issued to

the voter yet as long as the date set forth by the voter is after August 30, 2022, in the case of an absentee ballot, and September 19, 2022, in the case of a mail-in ballot.

10. A similar question exists with respect to the last date in the acceptable range regarding what is an incorrectly dated envelope and whether the Board of Elections should or should not segregate a post-dated outer envelope that is not post-dated beyond the actual late of receipt, but was received prior to November 8, 2022 (i.e., voter returns outer envelope on October 31, 2022, bearing a date of November 7, 2022, and another voter returns an outer envelope on October 31, 2022, bearing a date of November 9, 2022, which in both cases are not the date of return).

WHEREFORE, the Blair County Board of Elections respectfully requests that this Honorable Court reconsider and/or clarify its Supplemental Order of November 5, 2022 as early as possible before canvassing begins at 7 am on November 8, 2022.

Respectfully submitted,

COUNTY OF BLAIR

/s/ Nathan W. Karn

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