

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-3166

PENNSYLVANIA STATE CONFERENCE OF NAACP BRANCHES; LEAGUE OF WOMAN VOTERS OF PENNSYLVANIA; PHILADELPHIANS ORGANIZED TO WITNESS EMPOWER AND REBUILD; COMMON CAUSE PENNSYLVANIA; BLACK POLITICAL EMPOWERMENT PROJECT; MAKE THE ROAD PENNSYLVANIA; BARRY M. SEASTEAD; MARLENE G. GUTIERREZ; AYNNE MARGARET PLEBAN POLINSKI; JOEL BENCAN; LAURENCE M. SMITH

v.

SECRETARY COMMONWEALTH OF PENNSYLVANIA; ADAMS COUNTY BOARD OF ELECTIONS; ALLEGHENY COUNTY BOARD OF ELECTIONS; ARMSTRONG COUNTY BOARD OF ELECTIONS; BEAVER COUNTY BOARD OF ELECTIONS; BEDFORD COUNTY BOARD OF ELECTIONS; BERKS COUNTY BOARD OF ELECTIONS; BLAIR COUNTY BOARD OF ELECTIONS; BRADFORD COUNTY BOARD OF ELECTIONS; BUCKS COUNTY BOARD OF ELECTIONS; BUTLER COUNTY BOARD OF ELECTIONS; CAMBRIA COUNTY BOARD OF ELECTIONS; CAMERON COUNTY BOARD OF ELECTIONS; CARBON COUNTY BOARD OF ELECTIONS; CENTRE COUNTY BOARD OF ELECTIONS; CHESTER COUNTY BOARD OF ELECTIONS; CLARION COUNTY BOARD OF ELECTIONS; CLEARFIELD COUNTY BOARD OF ELECTIONS; CLINTON COUNTY BOARD OF ELECTIONS; COLUMBIA COUNTY BOARD OF ELECTIONS; CRAWFORD COUNTY BOARD OF ELECTIONS; CUMBERLAND COUNTY BOARD OF ELECTIONS; DAUPHIN COUNTY BOARD OF ELECTIONS; DELAWARE COUNTY BOARD OF ELECTIONS; ELK COUNTY BOARD OF ELECTIONS; ERIE COUNTY BOARD OF ELECTIONS; FAYETTE COUNTY BOARD OF ELECTIONS; FOREST COUNTY BOARD OF ELECTIONS; FRANKLIN COUNTY BOARD OF ELECTIONS; FULTON COUNTY BOARD OF ELECTIONS; GREENE COUNTY BOARD OF ELECTIONS; HUNTINGDON COUNTY BOARD OF ELECTIONS; INDIANA COUNTY BOARD OF ELECTIONS; JEFFERSON COUNTY BOARD OF ELECTIONS; JUNIATA COUNTY BOARD OF ELECTIONS; LACKAWANNA COUNTY BOARD OF ELECTIONS; LANCASTER COUNTY BOARD OF ELECTIONS; LAWRENCE COUNTY BOARD OF ELECTIONS; LEBANON COUNTY BOARD OF ELECTIONS; LEHIGH COUNTY BOARD OF ELECTIONS; LUZERNE COUNTY BOARD OF ELECTIONS; LYCOMING COUNTY BOARD OF ELECTIONS; MCKEAN COUNTY BOARD OF ELECTIONS; MERCER COUNTY

BOARD OF ELECTIONS; MIFFLIN COUNTY BOARD OF ELECTIONS; MONROE COUNTY BOARD OF ELECTIONS; MONTGOMERY COUNTY BOARD OF ELECTIONS; MONTOUR COUNTY BOARD OF ELECTIONS; NORTHAMPTON COUNTY BOARD OF ELECTIONS; NORTHUMBERLAND COUNTY BOARD OF ELECTIONS; PERRY COUNTY BOARD OF ELECTIONS; PHILADELPHIA COUNTY BOARD OF ELECTIONS; PIKE COUNTY BOARD OF ELECTIONS; POTTER COUNTY BOARD OF ELECTIONS; SCHUYLKILL COUNTY BOARD OF ELECTIONS; SNYDER COUNTY BOARD OF ELECTIONS; SOMERSET COUNTY BOARD OF ELECTIONS; SULLIVAN COUNTY BOARD OF ELECTIONS; SUSQUEHANNA COUNTY BOARD OF ELECTIONS; TIOGA COUNTY BOARD OF ELECTIONS; UNION COUNTY BOARD OF ELECTIONS; VENANGO COUNTY BOARD OF ELECTIONS; WARREN COUNTY BOARD OF ELECTIONS; WASHINGTON COUNTY BOARD OF ELECTIONS; WAYNE COUNTY BOARD OF ELECTIONS; WESTMORELAND COUNTY BOARD OF ELECTIONS; WYOMING COUNTY BOARD OF ELECTIONS; YORK COUNTY BOARD OF ELECTIONS

REPUBLICAN NATIONAL COMMITTEE; NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE; THE REPUBLICAN PARTY OF PENNSYLVANIA,

Appellants (Intervenors in D.C.)

On Appeal from the United States District Court
for the Western District of Pennsylvania
(District Court No. 1-22-cv-00339)
District Judge: Honorable Susan Paradise Baxter

Argued on February 20, 2024

Before: SHWARTZ, CHUNG, and AMBRO, Circuit Judges

JUDGMENT

This cause came to be considered on appeal from the United States District Court for the Western District of Pennsylvania and was argued on February 20, 2024.

On consideration whereof, it is now hereby ORDERED that the order of the

District Court entered on November 21, 2023, is hereby REVERSED with respect to the Materiality Provision claim and the matter is REMANDED for further proceedings on the equal protection claim.

Costs are not taxed.

All of the above in accordance with the Opinion of this Court.

ATTEST:

s/ Patricia S. Dodszeit
Clerk

Dated: March 27, 2024

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

UNITED STATES COURT OF APPEALS

TELEPHONE

CLERK

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET

215-597-2995

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov



March 27, 2024

Omeed Alerasool
Elias Law Group
250 Massachusetts Avenue NW
Suite 400
Washington, DC 20001

Brittany C. Armour
Hogan Lovells US
1735 Market Street
23rd Floor
Philadelphia, PA 19103

Justin Baxenberg
Elias Law Group
250 Massachusetts Avenue NW
Suite 400
Washington, DC 20001

Brian H. Benjet
DLA Piper
1650 Market Street
One Liberty Place, Suite 5000
Philadelphia, PA 19103

Alexander D. Bernstein
Clarick Gueron Reisbaum
220 5th Avenue
14th Floor
New York, NY 10001

Jacob B. Boyer
Office of Attorney General of Pennsylvania
Office of General Counsel
333 Market Street
17th Floor
Harrisburg, PA 17108

Keith O. Brenneman
Snelbaker & Brenneman
44 W Main Street
Mechanicsburg, PA 17055

Thomas A. Burkhart
McNerney Page Vanderlin & Hall
433 Market Street
P.O. Box 7
Williamsport, PA 17701

Tyler B. Burns
Bucks County Law Department
55 E Court Street
5th Floor
Doylestown, PA 18901

Tovah R. Calderon
United States Department of Justice
Civil Rights Division, Appellate Section
P.O. Box 14403
Ben Franklin Station
Washington, DC 20044

Louis J. Capozzi III
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001

Adriel I. Cepeda Derieux
American Civil Liberties Union
915 15th Street NW
6th Floor
Washington, DC 20005

Daniel J. Cohen
Elias Law Group
250 Massachusetts Avenue NW
Suite 400
Washington, DC 20001

Casey A. Coyle
Babst Calland
409 N 2nd Street
Suite 201

Harrisburg, PA 17101

Aaron H. Crowell
Clarick Gueron Reisbaum
220 5th Avenue
14th Floor
New York, NY 10001

Gilbert Dickey
Consovoy McCarthy
1600 Wilson Boulevard
Suite 700
Arlington, VA 22209

Elizabeth A. Dupuis
Babst Calland
330 Innovation Boulevard
Suite 302
State College, PA 16803

Lisa Eisenberg
Office of Attorney General of Pennsylvania
1600 Arch Street
Suite 300
Philadelphia, PA 19103

Ilana H. Eisenstein
DLA Piper
1650 Market Street
One Liberty Place, Suite 5000
Philadelphia, PA 19103

Michael J. Fischer
Office of General Counsel
Commonwealth of Pennsylvania
333 Market Street
17th Floor
Harrisburg, PA 17101

Timothy J. Ford
Dilworth Paxson
1500 Market Street
Suite 3500E
Philadelphia, PA 19102

Benjamin D. Geffen

Public Interest Law Center of Philadelphia
1500 John F. Kennedy Boulevard
Two Penn Center, Suite 802
Philadelphia, PA 19102

Soren Geiger
Office of Attorney General of Alabama
501 Washington Avenue
P.O. Box 300152
Montgomery, AL 36104

John M. Gore
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001

Robert E. Grimm
Grimm Lawyers
P.O. Box 430
Smithfield, PA 15478

Melissa A. Guiddy
2 N Main Street
Suite 103
Greensburg, PA 15601

Megan C. Keenan
American Civil Liberties Union
915 15th Street NW
6th Floor
Washington, DC 20005

David C. Kimball-Stanley
Clarick Gueron Reisbaum
220 5th Avenue
14th Floor
New York, NY 10001

Edmund G. LaCour Jr.
Office of Attorney General of Alabama
501 Washington Avenue
P.O. Box 300152
Montgomery, AL 36104

Sophia Lin Lakin
American Civil Liberties Union

125 Broad Street
18th Floor
New York, NY 10004

Jason Lee
United States Department of Justice
Civil Rights Division, Appellate Section
P.O. Box 14403
Ben Franklin Station
Washington, DC 20044

Stephen A. Loney Jr.
American Civil Liberties Union of Pennsylvania
Legal
P.O. Box 60173
Philadelphia, PA 19102

John Marlatt
Montgomery County Office of Solicitor
One Montgomery Plaza, Suite 800
P.O. Box 311
Norristown, PA 19404

Lisa G. Michel
Allegheny County Law Department
300 Fort Pitt Commons
445 Fort Pitt Boulevard
Suite LL 500
Pittsburgh, PA 15219

Molly R. Mudd
Adams County Office of Solicitor
117 Baltimore Street
Gettysburg, PA 17325

Philip W. Newcomer
Montgomery County Office of Solicitor
One Montgomery Plaza, Suite 800
P.O. Box 311
Suite 800
Norristown, PA 19404

David Newmann
Hogan Lovells US
1735 Market Street
23rd Floor

Philadelphia, PA 19103

Uzoma N. Nkwonta
Elias Law Group
250 Massachusetts Avenue NW
Suite 400
Washington, DC 20001

James M. Parks
Duane Morris
30 S 17th Street
Philadelphia, PA 19103

Ryan M. Proctor
Jones Day
51 Louisiana Avenue NW
Washington, DC 20001

Richard E. Santee
Northampton County Office of the Solicitor
669 Washington Street
Easton, PA 18042

Ari J. Savitzky
American Civil Liberties Union
125 Broad Street
18th Floor
New York, NY 10004

Marian K. Schneider
American Civil Liberties Union of Pennsylvania
Legal
P.O. Box 60173
Philadelphia, PA 19102

Kate Steiker-Ginzberg
American Civil Liberties Union of Pennsylvania
Legal
P.O. Box 60173
Philadelphia, PA 19102

Alison L. Stohr
City of Philadelphia
Law Department
1515 Arch Street
15th Floor

Philadelphia, PA 19102

Witold J. Walczak
American Civil Liberties Union
P.O. Box 23058
Pittsburgh, PA 15222

Zachary M. Wallen
Chalmers Adams Backer & Kaufman
301 S Hills Village Drive
Suite LL200-420
Pittsburgh, PA 15241

Seth P. Waxman
Wilmer Cutler Pickering Hale & Dorr
2100 Pennsylvania Avenue NW
Washington, DC 20037

Robert A. Wiygul
Hangley Aronchick Segal Pudlin & Schiller
One Logan Square
18th & Cherry Streets, 27th Floor
Philadelphia, PA 19103

RE: Pennsylvania State Conference of NAACP Branches, et al v. Northampton
County Board of Elections, et al

Case Number: 23-3166

District Court Case Number: 1-22-cv-00339

ENTRY OF JUDGMENT

Today, **March 27, 2024** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App.

P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed. R. App. P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Patricia S. Dodszuweit, Clerk

By: Stephanie

Case Manager

Direct Dial 267-299-4926