

COMMITTEE, REPUBLICAN PARTY OF :
PENNSYLVANIA, AND THE :
PENNSYLVANIA DEMOCRATIC PARTY :

PETITION OF: BUTLER COUNTY BOARD :
OF ELECTIONS :

FAITH GENSER AND FRANK MATIS : No. 243 WAL 2024

v. : Petition for Allowance of Appeal
: from the Order of the
: Commonwealth Court

BUTLER COUNTY BOARD OF :
ELECTIONS, REPUBLICAN NATIONAL :
COMMITTEE, REPUBLICAN PARTY OF :
PENNSYLVANIA, AND THE :
PENNSYLVANIA DEMOCRATIC PARTY :

PETITION OF: BUTLER COUNTY BOARD :
OF ELECTIONS :

ORDER

PER CURIAM

AND NOW, this 20th day of September, 2024, the Butler County Board of Elections' Petition for Allowance of Appeal at Nos. 242 WAL 2024 and 243 WAL 2024 is **DENIED**. The Republican National Committee and Republican Party of Pennsylvania's Petition for Allowance of Appeal at Nos. 240 WAL 2024 and 241 WAL 2024 is **GRANTED** with respect to the following issues:

1. Whether, contrary to this Court's binding precedent in *Pennsylvania Democratic Party v. Boockvar*, 238 A.3d 345, 352 (Pa. 2020), the Commonwealth Court improperly usurped the authority of the General Assembly by effectively rewriting the Election Code to engage in court-mandated curing when it held that a voter is entitled to submit a provisional ballot and have that provisional ballot

counted in the election tally after the voter has timely submitted a defective absentee or mail-in ballot, contrary to the Election Code.

2. Whether the Commonwealth Court erred in holding that, due to purported ambiguities in the Election Code, the Butler County Board of Elections is required to count a provisional ballot cast by an elector who received a mail-in ballot and delivered the mail-in ballot to the county board of elections without the required secrecy envelope, despite the language of 25 P.S. § 3050 (a.4)(5)(ii)(F), which provides that a provisional ballot shall not be counted if the elector's absentee ballot or mail-in ballot is timely received by a county board of elections.

The Republican National Committee and Republican Party of Pennsylvania's Petition for Allowance of Appeal is **DENIED** as to all other issues.

Petitioners' brief shall be filed on or before Tuesday, September 24, 2024 at 12:00 p.m. Respondents and any amici shall file their briefs on or before Thursday, September, 26, 2024 at 12:00 p.m. No reply brief will be permitted. This matter will be submitted on the briefs without oral argument.