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76 EM 2024 and additional consolidated case(s)

IN THE SUPREME COURT OF PENNSYLVANIA

No. 76 EM 2024 – 77 EM 2024

BRIAN T. BAXTER and SUSAN T. KINNIRY

Petitioners,

v.

PHILADELPHIA COUNTY BOARD OF ELECTIONS,

Respondent,

REPUBLICAN NATIONAL COMMITTEE and REPUBLICAN PARTY OF PENNSYLVANIA,

Party Intervenors.

RESPONDENT PHILADELPHIA COUNTY BOARD OF ELECTIONS' ANSWER TO APPLICATION FOR EXTRAORDINARY RELIEF

Ilana H. Eisenstein (No. 94907)
Brian H. Benjet (No. 205392)
Ben C. Fabens-Lassen (No. 321208)
M. David Josefovits (No. 331294)
DLA PIPER LLP (US)
One Liberty Place
1650 Market Street, Suite 5000
Philadelphia, PA 19103
215.656.3300

Alison L. Stohr (No. 316483)
Michael Pfautz (No. 325323)
Lydia Furst (No. 307450)
PHILADELPHIA LAW DEPARTMENT
1515 Arch Street, 15th Floor
Philadelphia, PA 19102

Counsel for Respondent Philadelphia County Board of Elections

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Respondent Philadelphia County Board of Elections (the "Board") submits this Answer to the application for exercise of extraordinary jurisdiction filed by the Republican National Committee and the Republican Party of Pennsylvania (collectively, "Party Intervenors").

INTRODUCTION

This Court should deny Party Intervenors' Emergency Application for Extraordinary Relief. This case is a routine statutory appeal arising from a challenge to the rejection of a specific set of ballots with dating errors cast in the Special Election held on September 17, 2024, in Philadelphia County. *See* 25 P.S. § 3157. The Board is rightly the only county board of elections named in this case. The relief granted by the Philadelphia Court of Common Pleas directed the Board to count mail ballots with dating errors cast in the Special Election, and the Commonwealth Court affirmed that ruling. Each court acted consistent with this Court's statement that election litigation can continue to proceed "in the ordinary course." *See New Pa. Project Educ. Fund v. Schmidt*, No. 112 MM 2024, 2024 WL 4410884, at *1 n.2 (Pa. Oct. 5, 2024).

Despite the limited, narrow, and ultimately ordinary nature of this case, Party Intervenors ask this Court to stay the Commonwealth Court's decision and to effectively enjoin ***all counties*** from following the reasoning underlying the Commonwealth Court's decision. That kind of relief is plainly improper and

procedurally defective in a statutory appeal that involves a challenge to a defined set of ballots in a single-county Special Election.

If Party Intervenors believe that other county boards of election will rely on the reasoning in the Commonwealth Court's opinion, they can seek relief against those county boards in the relevant courts of common pleas. But they cannot transform this proceeding into an improper, procedurally defective attempt to seek statewide injunctive relief. Nor can they flout the typical rules and limitations of appellate review and jurisdiction to obtain the statewide relief they are seeking.

Since there is no jurisdictional or other basis to enjoin all counties, the most Party Intervenors can seek is a stay of the Commonwealth Court's decision. But a stay is unwarranted. The *Purcell* doctrine did not require the Commonwealth Court to shirk its exclusive jurisdiction to hear a statutory appeal. And there is zero support for Party Intervenors' argument that the Court of Common Pleas cannot decide a statutory Section 3157 appeal from the decision of a single county board of elections without joining every other county.[1] This Court recently decided the merits of *Genser v. Butler County*—a statutory appeal involving a single county board of elections—and there was no suggestion by the Court that it lacked jurisdiction due to the absence of the 66 other county boards.

[1] Interested parties can certainly file *amici* briefs or intervene (if appropriate under the Rules) if they wish to be heard. *See* Pa. R.A.P. 531 (governing participation by *amicus curiae*); 1 Pa. Code § 35.28 (governing eligibility to intervene).

With that said, if this Court does not resolve the question now, then it surely will be asked to do so just days from now, when other statutory appeals arising from county board decisions to count (or not count) ballots with dating errors submitted in the General Election are filed throughout the Commonwealth. Recent litigation confirms that conclusion. On the one hand, in counties where mail ballots with dating errors are not counted, affected voters or candidates will challenge the rejection of those ballots under Section 3157 as violating the Free and Equal Elections Clause (as was the case here). And in counties where mail ballots with dating errors are counted, affected candidates or parties will challenge those vote-counting decisions under Section 3157 as violating the Election Code's dating provision. Either way, this Court will have to resolve this issue soon.

Prompt resolution of the underlying constitutional question on the merits, here, will benefit everyone—electors, candidates, county boards, the Department of State, and political parties alike. By contrast, a stay would provide no clarity to the Board on how it must resolve the constitutional question of exceptional importance underlying this appeal—a question the Board will have to vote on, again, days from now when deciding whether to count mail ballots with dating errors cast during the General Election.

BACKGROUND

This is a statutory appeal under 25 P.S. § 3157 from a decision of the Board regarding the procedure for processing mail ballots that contain dating errors on outer declaration envelopes. *See* Majority Opinion, *Baxter et al. v. Phila. Bd. of Elecs. et al.*, Nos. 1305 C.D. 2024 & 1309 C.D. 2024 (Pa. Commw. Ct. Oct. 30, 2024) ("Maj. Op.") at 2. Philadelphia conducted a Special Election on September 17, 2024 to fill vacancies in the 195th and 201st Legislative Districts. *Id.* at 3. Voter-Appellees Brian T. Baxter and Susan T. Kinniry (collectively, "the Voters") are two of the sixty-nine voters whose timely mail ballots were not counted in the Special Election because those ballots contained dating errors on the outer declaration envelope. *Id.* at 2. Of those sixty-nine ballots, twenty-three ballot envelopes had missing dates (*i.e.*, were "undated"), and forty-six envelopes had dates determined to be incorrect. *Id.* at 7. All sixty-nine ballots were timely received and otherwise valid, and all the electors who submitted these ballots (including the Voters) were otherwise qualified to vote in the Special Election. *Id*. at 6.

On September 21, 2024, the Board convened at a public meeting to make sufficiency determinations about mail ballots with dating errors under 25 P.S. § 3146.8(f)(3). *Id.* at 7. In comments made before voting on undated and incorrectly dated mail ballots, the Board acknowledged that the dating provision is meaningless and serves no purpose in the administration of elections. *Id.* at 7-8. But the Board

voted 2-1 not to count mail ballots with dating errors in reliance on the Pennsylvania Supreme Court's decision in *Ball v. Chapman*, 284 A.3d 1189, 1192 (Pa. 2022), and its later vacatur of this Court's opinion in *Black Pol. Empowerment Project v. Schmidt* ("*B-PEP II*") for lack of jurisdiction. *Id*. at 8.

Two days later, the Voters filed a Petition for Review in the Nature of a Statutory Appeal in the Philadelphia Court of Common Pleas, under 25 P.S. § 3157, challenging the Board's September 21, 2024 decision not to count their mail ballots. *Id.* at 8. The trial court held a hearing on the Petition for Review on September 25, 2024. *Id.* at 9. At the hearing, the trial court accepted the parties' stipulation that the facts in the Petition for Review were not disputed. *Id.* at 4, 9. The next day, the trial court granted the Petition for Review, reversed the Board's September 21, 2024 decision to reject the Voters' mail ballots along with sixty-seven other mail ballots with dating errors, and directed the Board to count each of those ballots in the final, certified results of the Special Election. *Id.* at 11-12.

The Commonwealth Court affirmed the trial court's decision on October 30, 2024. *Id.* at 4. The court determined that it had jurisdiction over the case under 42 Pa. C.S. § 762(a)(4)(i)(C) because the Voters properly brought the underlying appeal pursuant to 25 P.S. § 3157(a). *Id.* at 20-21. It also correctly observed that it was "**not** being asked to make changes with respect to the impending 2024 General Election." *Id*. at 23 (emphasis in original). For this reason alone, it held that the so-called

"*Purcell* doctrine" was inapplicable because the parties were entitled to appeal the trial court's order. *Id.* at 22-23, 22 n. 23 (relying on this Court's "recognition in *New PA Project* that it would still exercise its appellate role with respect to lower court decisions that already came before it in the ordinary course." (citing *New PA Project Educ. Fund v. Schmidt*, No. 112 MM 2024, 2024 WL 4410884 (Pa. Oct. 5, 2024)).

Turning to the merits, the Commonwealth Court agreed with the Voters that the Free and Equal Elections Clause of the Pennsylvania Constitution prohibited the Board from rejecting mail ballots solely because those ballots contained dating errors on the outer declaration envelopes. *Id.* at 39.

ARGUMENT

I. The Purcell Doctrine Does Not Justify Staying the Commonwealth Court's Merits Decision in a Direct Statutory Appeal.

Nothing prohibited the Commonwealth Court from deciding, in this direct appeal over which it had exclusive jurisdiction, whether the Board was required to count mail ballots with dating errors submitted in the September 17, 2024 Special Election. This appeal does not seek to "disrupt" an imminent election. As the Commonwealth Court observed, its decision addressed an earlier election that has already concluded. *See* Maj. Op. at 22-23.

The *Purcell* principle is limited to the context of preliminary injunctions without a developed factual record and "is probably best understood as a sensible refinement of ordinary stay principles." *See Merrill v. Milligan*, 142 S.Ct. 879, 880

(2022) (Kavanaugh, J., concurring). In that context, federal courts may decline to grant requests for injunctions that seek to alter established state election procedures close in time to an election. *See*, *e.g.*, *Purcell v. Gonzalez*, 549 U.S. 1, 4-6 (2006) (per curiam) (vacating injunction that enjoined operation of Arizona voter identification procedures); *Crookston v. Johnson*, 841 F.3d 396, 398 (6th Cir. 2016) (staying preliminary injunction). This Court adopted a similar view in *New PA Project*, where it declined to grant a request for extraordinary jurisdiction yet acknowledged that it would "continue to exercise [its] appellate role with respect to lower court decisions that have already come before this Court in the ordinary course." *See* 2024 WL 4410884, at *1 n.2.

Unlike *New PA Project*, *Purcell*, and *Crooskton*, this case is a direct appeal from the Board's vote-counting decision following a past election. This case does not involve a request for a preliminary injunction, a situation where practical considerations relating to an impending election affect the balancing of the harms. The Special Election has already occurred, and all mail ballots have been cast and canvassed. *See Hunter v. Hamilton Cnty. Bd. of Elections*, 635 F.3d 219, 244 (6th Cir. 2011) ("Because this election has already occurred, we need not worry that conflicting court orders will generate 'voter confusion and consequent incentive[s] to remain away from the polls.'" (alterations in original) (quoting *Purcell*, 549 U.S. at 4-5)). The only remaining question is whether to include mail ballots with dating

errors in the final vote tally. This type of decision is a normal post-election occurrence, expressly contemplated by the Election Code. *See, e.g.*, 25 P.S. § 3050(a.4)(4) (describing provisional ballot challenge and appeal process). As the Sixth Circuit explained when it decided a post-election challenge, "counting the ballots of qualified voters miscast as a result of poll-worker error may enhance '[c]onfidence in the integrity of our electoral processes[, which] is essential to the functioning of our participatory democracy.'" *Hunter*, 635 F.3d at 244-45 (quoting *Purcell*, 549 U.S. at 4). The fact that a precedential decision in a case properly before this Court could potentially have some impact on a future election does not somehow transform the proceeding to a preliminary injunction proceeding that implicates the *Purcell* doctrine.

Party Intervenors acknowledge that the Commonwealth Court's decision "does not address the 2024 General Election." (App. at 2.) Yet they request that this Court stay that decision, arguing that "the ***only*** reason" the Commonwealth Court decided the question was to encourage election officials to change the rules for the 2024 General Election. *Id.* at 3 (brackets omitted). On the contrary, the Commonwealth Court properly decided the question before it because it was required to do so under 42 Pa.C.S. § 762(a)(4)(i)(C) and 25 P.S. § 3157. And in any event, preventing disenfranchisement of voters before or after an election—and providing much-needed clarity on a constitutional question of exceptional

importance in the process—certainly are valid reasons to decide a case swiftly, even if the votes at issue are not determinative of the election's outcome.

Neither *Purcell*, *Crookston*, nor any other decision that the Board is aware of instructs state courts to abdicate their judicial responsibility to decide direct appeals involving questions of constitutional importance in the ordinary course simply because doing so might affect future elections. "*Purcell* is a consideration, not a prohibition." *Kim v. Hanlon*, 99 F.4th 140, 160 (3d Cir. 2024) (affirming injunction). And this Court's language in *New PA Project* strongly supports the view that the Commonwealth Court had a statutory and jurisdictional obligation to resolve this direct appeal on the merits. *Purcell* had no relevance to the Commonwealth Court.

In any case, the factors that animated *Purcell*—voter confusion and election disruption—are not present here. *Purcell* embodies pre-election judicial restraint to avoid disrupting the work of election administrators or imposing hardship or confusion on voters. *Democratic Nat'l Comm. v. Wisconsin State Legislature*, 141 S. Ct. 28, 30-32 (2020) (Kavanaugh, J., concurring). In *Purcell*, changes to voter-identification laws directly affected voters who might have been deterred from voting because they lacked the requisite documentation. *See* 549 U.S. at 2. And in *Crookston*, an injunction altering longstanding laws limiting cameras in polling places to protect ballot secrecy might have confused voters and poll workers alike, who would be unsure how to comply with or enforce the law. *See* 841 F.3d at 399.

When those animating factors are not present, as here, there is no bar to a court's exercise of its judicial duties. *See, e.g.*, *Feldman v. Ariz. Sec'y of State's Off.*, 843 F.3d 366, 368 (9th Cir. 2016) (affirming injunction when there was no risk of voter confusion); *Kim*, 99 F.4th at 160 (same).

There is no danger of voter confusion or hardship on election administrators that would justify staying the Commonwealth Court's decision here or that would prevent this Court from deciding the merits expeditiously before the 2024 General Election. The Board's election staff will continue to segregate mail ballots with dating errors, and after the canvassing process is completed, they will present these mail ballots to the Board, which will decide whether to count them. While the Board (or other county boards of election) may choose to follow the reasoning of the Commonwealth Court's opinion and count mail ballots with dating errors, that will affect only that last stage—*i.e.*, whether mail ballots with dating errors will be included in the final tally. Nothing in the Commonwealth Court's (or this Court's) decision will affect the voters who will still receive the same mail ballot with instructions to date the outer declaration envelope. And following the reasoning in the Commonwealth Court's opinion simply would allow the Board to count timely ballots cast by qualified electors. These kinds of "vote-counting" decisions by county boards are "feasible" and do not create "significant cost, confusion, or hardship." *See Merrill*, 142 S. Ct. at 881 (Kavanaugh, J. concurring).

This case is different than *Purcell* for several other reasons, too.

First, unlike those cases where *Purcell* applied, there was no delay here. *See Feldman*, 843 F.3d at 368 (holding *Purcell* inapplicable when there is no delay). The Petition for Review was filed two days after the Board's September 21, 2024 decision not to count mail ballots with dating errors. (Maj. Op. at 8.) And all Appellants timely and promptly appealed. *Id.* at 13.

Second, *Purcell* is designed to limit the "federal intrusion on state lawmaking processes." *Democratic Nat'l Comm*., 141 S. Ct. at 28 (Roberts, C.J., concurring). It imposes no constraints on state courts, especially not in the context of a statutory direct appeal from a prior election. *See New PA Project*, 2024 WL 4410884, at *1 n.2. The federalism concerns underlying *Purcell* do not apply here. *See, e.g.*, *Harkenrider v. Hochul*, 197 N.E.3d 437, 454 n.16 (N.Y. 2022) ("The State respondents' reliance on the federal *Purcell* principle is misplaced. The *Purcell* doctrine cautions federal courts against interfering with state election laws when an election is imminent and does not limit state judicial authority where, as here, a state court must intervene to remedy violations of the State Constitution." (citations omitted)); *Dem. Senatorial Campaign Comm. v. Pate*, 950 N.W.2d 1, 15 (Iowa 2020) (Appel, J., specially concurring) ("*Purcell*, of course, is infused with federalism concerns, arising from the notion that federal courts should show a degree of caution before they intervene in state-created election procedures that could bollix

up the management of an election by state officials. There is, of course, no federalism consideration in this case.")

Third, unlike *Purcell*, this is not a case where the law at issue has been clear and settled. Party Intervenors' argument that this Court should issue a stay and injunction to "preserve the status quo" (App. 6)—by which they apparently mean the uncertain *status quo ante*—should be rejected. The last two years have seen continual litigation over whether county boards of elections can reject mail ballots with dating errors, and the law on this issue has changed as many as eight times since Act 77 was first enacted. *See* Brief of Appellant Philadelphia County, *Baxter et al. v. Phila. Bd. of Elecs. et al.*, Nos. 1305 C.D. 2024 & 1309 C.D. 2024 (Oct. 14, 2024) at 9-12. Neither a stay nor injunction would preserve the "status quo."

In the end, when issuing a stay, "the focus always must be on prevention of injury by a proper order, not merely on preservation of the status quo." *See Ortho Pharm. Corp. v. Amgen, Inc.*, 882 F.2d 806, 814 (3d Cir. 1989). The only way that this Court can resolve any potential voter confusion is by providing a definitive answer whether disenfranchisement based on the dating provision violates the Pennsylvania Constitution. A clear decision on that question will bolster the public's confidence in elections and create certainty in a long-running disputed issue. *See Kim*, 99 F.4th at 160 (holding *Purcell* does not apply when a ruling would "reduce, if not eliminate voter confusion"). An expeditious decision would also decrease the

likelihood of a situation where an electoral contest might turn on disputed ballots. *See, e.g.*, *Republican Party of Pa. v. Degraffenreid*, 141 S. Ct. 732, 734 (2021) (Thomas, J., dissenting) (observing that the lack of "clear rules" in an election "brews confusion" and allows competing candidates to "declare victory under different sets of rules"); *Democratic Nat'l Comm*., 141 S. Ct. at 31 (Kavanaugh, J., concurring) ("[T]he rules of the road should be clear and settled."). "Swift resolution" by this Court will thus "promote confidence in the authority and integrity of our state and local institutions." *Bd. of Revision of Taxes v. City of Phila.*, 4 A.3d 610, 620 (Pa. 2010). On the other hand, staying the Commonwealth Court's decision would merely throw the parties back into pre-litigation uncertainty over the proper meaning and application of the Free and Equal Elections Clause.

Finally, Party Intervenors' solution that this Court "modify" the Commonwealth Court's opinion "to make clear" that *all* of the 67 county boards of elections "remain bound" to reject mail ballots with dating errors makes no sense. (App. at 3.) County boards must independently decide how to apply the Free and Equal Elections Clause to these types of ballots in the coming election. A stay will not absolve them of that responsibility. The only way for this Court to "make clear" whether county boards of elections must reject mail ballots with dating errors is to decide the merits of this case.

II. There Is No Requirement that All 67 County Boards Participate in a Section 3157 Appeal.

Party Intervenors argue that the Commonwealth Court lacked subject-matter jurisdiction because the other 66 county boards of election are not parties to this statutory appeal. (App. at 19-21.) This argument reflects a fundamental misunderstanding of this appeal specifically, and election challenges under 25 P.S. § 3157 generally.

This case involves a Section 3157 statutory appeal from a decision by the Board not to count mail ballots cast by the Voters in a Special Election conducted in a single county. It thus makes sense that only the Philadelphia County Board is a party to this appeal—the Voters did not participate in an election administered by any other county board, and they were not adversely affected by the vote-counting decision of any other county board. There simply is no procedural, factual, or legal basis for any other county board to have been named as a respondent in this appeal. It is standard that Section 3157 appeals are filed against *only* the election board whose decision is challenged.[2] *See, e.g.*, *Genser v. Butler Cnty. Bd. of Elections*, No.

[2] *Shambach v. Bickhart*, 845 A.2d 793 (Pa. 2004) (holding that part of the Election Code "must be liberally construed to allow for the calculation of write-in votes made on behalf of a candidate already listed on a ballot where there is no evidence of fraud and the voter's intent is clear" on a Section 3157 appeal not including all county boards of election); *In re Canvass of Absentee & Mail-In Ballots of Nov. 3, 2020 Gen. Election*, 241 A.3d 1058 (Pa. 2020) (deciding a Section 3157 appeal without joining every county board of elections); *In re Reading Sch. Bd. Election*, 634 A.2d 170 (Pa. 1993) (same); *In re Recount of Ballots Cast in Gen. Election on Nov. 6, 1973*, 325 A.2d 303 (Pa. 1974) (same); *In re Gen. Election Nov. 6, 1971*, 296 A.2d 782 (Pa. 1972) (same); *In re Primary Election of Somerset Twp., Wash. Cnty.*, 174 A.2d 25 (Pa. 1961) (same); *In re Recanvass*

26 WAP 2024, 2024 WL 4553285 (Pa. Oct. 23, 2024); 25 P.S. § 3157(b) ("The court on an appeal shall have full power and authority to hear and determine all matters pertaining to any fraud or error committed in *any election district to which such appeal relates*, and to make such decree as right and justice may require. Pending such appeal, the county board shall suspend any official certification of the votes cast *in such election district*." (emphasis added)).

This is unlike the circumstances in *Black Pol. Empowerment Project v. Schmidt* ("*B-PEP I*"), No. 283 M.D. 2024, 2024 WL 4002321, at *2 (Pa. Cmwlth. Aug. 30, 2024), *vacated on other grounds*, No. 68 MAP 2024 (Pa. Sept. 13, 2024) (*"B-PEP II*"), that led this Court to vacate the Commonwealth Court's opinion for lack of an indispensable commonwealth party and for failure to join indispensable parties. *B-PEP* did not involve a statutory appeal under Section 3157. The petitioners in *B-PEP* were non-individual organizations that sought declaratory relief for the future enforcement of the dating provision to reject future ballots in the November 5, 2024 General Election and all future elections. *Id.* at *2. By contrast, here, the Voters are two individual electors who seek specific—not statewide—relief only as it

of Eleventh Ward, Third Dist., City of Nanticoke, 174 A.2d 106 (Pa. 1961); *Appeal of Meell*, 174 A.2d 110 (Pa. 1961) (same); *In re Burrell Twp.*, 108 A.2d 696 (Pa. 1954) (same); *Petition of Kehler*, 256 A.2d 623 (Pa. 1969) (interpreting statute to determine number of days permitted to make appeal under Section 3157 that thus affected all county boards of election); *Petition of Jones*, 346 A.2d 260 (Pa. 1975) (discussing court's previous decision in case brought under Section 3157 where not all county boards of election were parties).

relates to the Board's decision not to count their mail ballots in a previously conducted Special Election.

Viewed in this light, the Commonwealth Court did not "reinstate[]" (and could not have reinstated) its prior decision in *B-PEP I* here, as Party Intervenors wrongly claim. (App. at 1, 20.) This is an entirely different case, with different parties, and different requests for relief. That *B-PEP* and this appeal involve the same question of constitutional importance did not prevent the Commonwealth Court from resolving the merits of a statutory appeal over which it properly exercised its jurisdiction. It is simply not the case that a jurisdictional defect in one case forecloses the same relief in another case that is not jurisdictionally defective.

Finally, Party Intervenors argue that the Commonwealth Court defied this Court's directive "while the ink was still drying on this Court's [September 19, 2024] *B-PEP* order." (App. at 20.) But they overlook this Court's recent decision in *Genser*, which was a Section 3157 appeal in which this Court affirmed that the Butler County Board of Elections must count provisional ballots cast by two electors after their mail ballots were rejected for not following mandatory requirements. *Id.* at *1. This Court did not find that the other 66 counties were indispensable parties to that statutory appeal.

This case is in the same procedural posture as *Genser*. As in that case, this case is a Section 3157 appeal brought by voters challenging the vote-counting

decision of a single county board relating to a particular category of ballots. And there, as here, the other 66 boards of elections were unnecessary to adjudicate this appeal, regardless of any argued state-wide implications of the Court's opinion. *See also Ctr. for Coalfield Justice v. Wash. Cnty. Bd. of Elections*, No. 259 WAL, 2024 WL 4272040 (Pa. Commw. Ct. Sept. 24, 2024), *appeal granted*, 2024 WL 4406776 (Pa. Oct. 5, 2024) (granting petition for allowance of appeal of challenge to trial court's finding that Washington County Board's ballot return notice policy violated electors' procedural due process rights, without requiring joinder of all 67 boards of elections). To require otherwise would force *all* 67 boards of elections to face unnecessary Section 3157 appeals whenever electors challenge their local board's decisions as it relates to *only* their ballots. The other 66 county board of elections are not indispensable parties to this appeal, and there is no jurisdictional defect that requires staying the Commonwealth Court's opinion.

CONCLUSION

This Court should deny Party Intervenors' Emergency Application for Extraordinary Relief.

Dated: November 1, 2024

Respectfully submitted,

Alison L. Stohr (No. 316483)
Michael Pfautz (I.D. No. 325323)
Lydia Furst (I.D. No. 307450)
PHILADELPHIA LAW DEPARTMENT
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
alison.stohr@phila.gov
michael.pfautz@phila.gov
lydia.furst@phila.gov

Counsel for Respondent Philadelphia County Board of Elections

/s/ Ilana H. Eisenstein
Ilana H. Eisenstein (No. 94907)
Brian H. Benjet (No. 205392)
Ben C. Fabens-Lassen (No. 321208)
M. David Josefovits (No. 331294)
DLA PIPER LLP (US)
One Liberty Place
1650 Market Street, Suite 5000
Philadelphia, PA 19103-7300
215.656.3300
ilana.eisenstein@us.dlapiper.com
brian.benjet@us.dlapiper.com
ben.fabens-lassen@us.dlapiper.com
david.josefovits@us.dlapiper.com

Counsel for Respondent Philadelphia County Board of Elections

CERTIFICATE OF WORD COUNT

I hereby certify that this Answer to Application for Extraordinary Relief contains 4,259 words, exclusive of the supplementary matter as defined by Pa.R.A.P. 2135(b).

Dated: November 1, 2024

/s/ Ilana H. Eisenstein
Ilana H. Eisenstein

CERTIFICATE OF COMPLIANCE

This filing complies with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: November 1, 2024

/s/ Ilana H. Eisenstein
Ilana H. Eisenstein

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2024, I caused a true and correct copy of this document to be served on all counsel of record via PACFile.

Dated: November 1, 2024

/s/ *Ilana H. Eisenstein*
Ilana H. Eisenstein