

IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA

PENNSYLVANIA DEMOCRATIC PARTY,  
510 N. Third Street, Harrisburg, PA 17101

Plaintiff,

v.

ERIE COUNTY BOARD OF ELECTIONS,

Defendant.

Civil Action No. 12666-24

**COMPLAINT SEEKING MANDAMUS RELIEF TO ENFORCE PROVISIONS OF THE  
ELECTION CODE AND INJUNCTIVE RELIEF TO ADDRESS FAILURE TO DO SO**

COMMON PLEAS COURT  
ERIE, PA  
2024 OCT 30 AM 9:59  
CLERK OF RECORDS  
PROTHONOTARY

I, Aubrea Hagerty-Haynes Prothonotary of the Court  
of Common Pleas of Erie County, PA., do certify that  
this is a true and correct copy of the original record  
filed in said court.

*Aubrea Hagerty-Haynes*  
Prothonotary:

Date: 10/30/24

Deputy:

**NOTICE TO DEFEND**

**NOTICE**

**You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim and relief requested by the plaintiff. You may lose money or property or other rights important to you.**

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**BAR ASSOCIATION  
LAWYER REFERRAL AND  
INFORMATION SERVICE**

**Erie County, Erie: (814) 459-4411**

**AVISO**

**Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.**

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**ASOCIACION DE LICENCIADOS  
SERVICIO DE REFERENCIA E  
INFORMACION LEGAL**

**Erie County, Erie: (814) 459-4411**

COMMON PLEAS COURT  
ERIE, PA  
2024 OCT 30 AM 9:59  
CLERK OF RECORDS  
PROTHONOTARY

Plaintiff the Pennsylvania Democratic Party (“PDP,” or “Plaintiff”), by undersigned counsel, as and for their Complaint Seeking Mandamus Relief to Enforce Provisions of the Election Code and Injunctive Relief to Address Failure to Do So, avers:

2022 OCT 30 AM 9:59  
CLERK OF RECORDS  
PROthonotary  
COMMON PLEAS COURT  
ERIE, PA

**INTRODUCTION**

1. This is an action seeking to enforce the applicable provisions of the Election Code relating to mail-in voting and ensure that registered Pennsylvania voters may exercise their fundamental right to vote in the 2024 Election. The Complaint seeks mandamus relief in enforcing the Erie County Board of Elections’ (“BOE”) compliance with the Pennsylvania Election Code (“Election Code”) and equitable and injunctive relief to remedy the failure of its vendor, Election IQ (the “Vendor”) and the BOE to meet the requirements of the Election Code.

2. The BOE has encountered numerous issues related to the mail-in voting process as a result of failures of one of its Vendors. *See* Matthew Rink, *Erie County voters waiting for ballots should get them soon. What caused the delay?*, Erie Times-News, Oct. 24, 2024, available at <https://www.goerie.com/story/news/politics/elections/2024/10/24/election-ballots-delayed-erie-county-voters-receive-soon-usps-pittsburgh/75830990007/>, attached as Exhibit A [hereinafter Rink, *Erie County Delays*]; *see also* Taylor Hall, *Nearly 300 duplicate ballots incorrectly sent to Erie voters after vendor’s addressing system fails*, WPXI Pittsburgh, Oct. 22, 2024, available at <https://www.wpxi.com/news/local/nearly-300-duplicate-ballots-incorrectly-sent-erie-voters-after-vendors-addressing-system-fails/E5XTI4KOLNAOHG72LOKAZ26GCA/>, attached as Exhibit B [hereinafter Hall, *Erie Duplicate Ballots*]. Upon information and belief, the United States Post Office has been unable to account for approximately 1,800 ballots.

3. Upon information and belief, it appears that 10,000 to 20,000 voters who requested mail-in ballots have not received or submitted such ballots. Further, upon information

and belief, over 300 voters received two mail-in ballots, one of which may have not correlated to the local races for which that voter is eligible to vote.

4. These Vendor issues have caused registered voters substantial delays and hardships in casting ballots in the 2024 Election, potentially violating the right to vote of numerous electors.

5. With election day one week away, the BOE has not yet properly addressed these issues, and these issues threaten to disenfranchise thousands of registered voters from casting ballots in the 2024 Election.

6. Further, the BOE is apparently providing inaccurate information to voters of their options and failing to take appropriate action to remedy a significant breakdown in operations associated with the General Election scheduled for November 5, 2024.

7. The PDP seeks injunctive relief precisely tailored to ensure that all affected voters may exercise their fundamental right to vote in the upcoming election.

#### **PARTIES**

8. The PDP is a political party dedicated to improving the lives of the citizens of Pennsylvania by working to elect individuals who share its values.

9. The PDP is the Democratic National Committee's coordinate party within the Commonwealth and is the largest political party by registration in Pennsylvania.

10. As of October 28, 2024, 3,991,381 registered voters in Pennsylvania are members of the PDP. *See Voting & Election Statistics, PA DEP'T OF STATE, available at <https://www.pa.gov/en/agencies/dos/resources/voting-and-elections-resources/voting-and-election-statistics.html> (last visited October 28, 2024).* In Erie County, Pennsylvania, 73,682 registered voters are members of the PDP.

11. The PDP is a “major political party” as defined in the Pennsylvania Election Code at 25 P.S. § 2601, and regularly nominates individuals for Pennsylvania’s federal, state, and local office in each general, midterm, and municipal election.

12. The PDP has dedicated significant resources to encourage its supporters and constituents to vote, including by mail. *See* Decl. of Mitch Kates, Ex. C.

13. Defendant BOE is duly authorized by 25 P.S. § 2641(a) to have jurisdiction over the conduct of Election and general elections in Erie County, Pennsylvania.

### **JURISDICTION AND VENUE**

14. This Court has jurisdiction and venue over this action because Erie County is the county in which the cause of action arose, and the matters described involve the application of the Pennsylvania Election Code.

### **FACTS**

#### **The Pennsylvania Election Code**

15. Under the Election Code, the BOE has “jurisdiction over the conduct of primaries and elections in [Erie] county.” 25 P.S. 2641(a).

16. The BOE is required to administer mail-in ballots upon voter request for use in the 2024 Election. 25 P.S. § 3150.15 (“The county board of elections, upon receipt and approval of an application filed by a qualified elector under section 1301-D, shall commence to deliver or mail official mail-in ballots as soon as a ballot is certified and the ballots are available.”)

17. Upon information and belief, the printed mail-in ballots were available for distribution to voters prior to October 9, 2024, and the BOE is required “to deliver or mail official mail-in ballots *not later than the second Tuesday prior to the primary or election.*” *Id.* (emphasis added).

18. The Election Code further provides that mail-in ballots, files, and applications for ballots are public records that shall be made publicly available upon request. *See* 25 P.S. § 3150.17(a), (c).

**2024 Election**

19. Upon information and belief, the BOE contracted with Vendor to distribute approved mail-in ballots to voters.

20. Upon information and belief, due to Vendor's various failures, as of October 28, 2024, 315 incorrect ballots were sent to voters registered in Erie County. *See* Decl. of Mary Gibson, Ex. D.; *see also* Hall, *Erie Duplicate Ballots*.

21. At least some of these incorrect ballots listed candidates for Pennsylvania State House races applicable to different election districts than those in which voters were registered. *See* Decl. of Homer Mosco, Ex. E.

22. The BOE has claimed that letters were sent to voters affected, but the PDP has not been made aware of any voter having received such correspondence, nor has the Board of Elections shared that correspondence. *Id.*

23. The BOE has not publicly released the names of the affected voters to ensure that those affected voters cast the correct ballot in their respective election districts in the 2024 Election.

24. Additionally, upon information and belief, Vendor's failures coupled with ongoing delays with the United States Postal Service have caused substantial delays in delivering mail-in ballots to voters. Decl. of Erie County Voters, Ex. F; *see also* Rink, *Erie County Delays*.

25. The PDP has been made aware by its registered party members of numerous instances where a voter requested a mail-in ballot weeks ago but has still not received their ballot from the BOE. *See* Ex. F.

26. The BOE has not publicly released the names of the voters whose ballots have been delayed and has not provided for adequate mechanisms by which voters can submit their mail-in ballots on time<sup>1</sup>.

27. As of October 28, 2024, 40,844 mail-in applications have been approved in Erie County. *See Elections Data, PA Dep't of State, <https://www.pa.gov/en/agencies/vote/elections/elections-data.html>* (last visited October 28, 2024).

28. However, only 21,536 ballots have been returned. *Id.* This amounts to a return rate of 52% percent, 15 percentage points below the state average return rate of 67% percent, and among the lowest in the Commonwealth. *Id.*

29. Further, upon information and belief, the United States Postal Service has no record of having received 1,800 mail-in ballots from Vendor and is in the process of trying to locate these ballots. At minimum, then, 1,800 voters' mail-in ballots have been lost and will not be delivered to the individual voters for use in the 2024 Election.

30. Upon information and belief, the BOE—through Erie County Clerk Karen Chillcott—has advised voters that they may email the Erie County Voter Registration Office and

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<sup>1</sup> The United States Postal Service issued guidance on October 28, 2024 that “If a ballot is due on Election Day, the Postal Service recommends mailing the ballot by this Tuesday (October 29).” U.S. Postal Service National Release, *U.S. Postal Service is Ready to Deliver the Nation's Election Mail*, Oct. 28, 2024, available at <https://about.usps.com/newsroom/national-releases/2024/1028-us-postal-service-is-ready-to-deliver-the-nations-election-mail.htm>. [hereinafter USPS Release].

request that their mail-in ballot be cancelled so that a new ballot may be sent via priority express mail. *See Rink, Erie County Delays.*

31. However, voters must submit this cancellation request via email by October 29, 2024, only one day after the guidance was issued. *Id.*

32. Assuming that voters follow this cancellation process, their new mail-in ballot would be received, at the earliest, on Wednesday, October 30<sup>th</sup>.

33. Further assuming that the voter mails their ballot in the same day, this timing is still one day after the suggested deadline for voters to mail their mail-in ballots issued by the United States Postal Service. *See USPS Release.*

34. Given Erie County's ongoing delays with the timely delivery of mail, such a "remedy" still threatens to disenfranchise voters whose mail-in ballots will not be received by 8:00pm on Election Day.

**Count I – Action in Mandamus and Injunctive Relief  
The 315 Voters who Received Incorrect Ballots**

35. Plaintiff incorporates the allegations of paragraphs 1-34 as if set forth fully herein.

36. As a result of Vendor's failures, the BOE has sent out over 315 incorrect mail-in ballots to voters in Erie County.

37. Voters who have received an incorrect ballot have not been notified by the BOE of the error, nor have they been advised by the BOE of the proper procedure to ensure that their mail-in ballot is counted in the appropriate election district in the 2024 Election. *See Ex. E.*

38. The BOE has declined the PDP's request to produce the names of the affected voters despite the Election Code's clear guidance that mail-in ballots, files, and applications for ballots are public records that shall be made publicly available upon request. *See 25 P.S. § 3150.17(a), (c).*



39. Additionally, the BOE has not set forth a clear mechanism by which it will ensure that voters' ballots are counted in the appropriate election district.

40. By such actions, Defendant has caused and will continue to cause Plaintiff and its member voters to suffer immediate and irreparable injury and actual damages for which Plaintiff has no adequate remedy at law. Without redress by this Court, Plaintiff and its member voters will be deprived of a lawful, full, and fair election. Immediate and effective relief is essential to ensure that the election currently in progress is fairly conducted pursuant to the laws cited above.

41. Denying relief would inflict greater injury on Plaintiff than granting the requested relief would inflict on the Defendant.

42. Issuance of an injunction granting relief to Plaintiff will not substantially harm Defendant. A preliminary injunction will properly restore the parties to their status as it existed prior to the wrongful conduct described herein.

43. The public interest weighs heavily in favor of entry of an injunction designed to protect the right to a full and fair election.

44. The relief Plaintiff seeks is reasonably suited to abate the offending activity.

45. Plaintiff has no reason to believe that the wrongful conduct alleged above will cease unless enjoined.

WHEREFORE, Plaintiff asks this Court to enter an injunction in Plaintiff's favor and against the Defendant and ask the Court to:

- a. Enter a special and/or preliminary injunction ordering that the BOE:
  - i. Immediately release the names of all affected voters who received duplicate or incorrect ballots;

- ii. Immediately release any and all correspondence which the BOE has sent or provided to affected voters; and
  - iii. Agree to a process whereby the BOE, with representatives of the PDP (and any other major political party that so requests) observe the opening of the duplicate ballots from voters who received and submitted such a ballot. If the ballot reflects all races and referendum for which the voter was entitled to vote, it shall be counted in full; if the ballot does not reflect the races and referendum to which the voter was entitled to vote, it otherwise shall be counted only as to the races that the voter would have been entitled to vote. In all cases, votes cast for the President, U.S. Senate, Congress, Statewide Offices, and State Senate shall be counted.
- b. Award Plaintiff costs, interest and attorney's fees; and
  - c. Grant such other and further relief that this Court deems equitable, just, and appropriate.

**Count II – Action in Mandamus and Injunctive Relief  
The Estimated 19,308 Voters with Outstanding Mail-in Ballots**

- 46. Plaintiff incorporates the allegations of paragraphs 1-45 as if set forth fully herein.
- 47. Upon information and belief, as a result of Vendor's failures and delays with the postal service, as many as 19,308 approved mail-in ballots have not been delivered to voters in Erie County requesting such ballots and other ballots were provided belatedly. Matthew Rink, *Your mail-in ballot still hasn't arrived? What can be done*, Erie Times-News, Oct. 29, 2024, available at <https://www.goerie.com/story/news/politics/elections/2024/10/29/election-mail-ballots-delay-erie-voters-waiting-application-deadline-looms/75907134007/>, attached as Exhibit G.

48. Upon information and belief, the BOE has not informed these affected voters of the delay, nor provided any guidance to these voters to ensure that their mail-in ballots are timely received and counted or that they otherwise cast a ballot that will be counted in the November 2024 general election. *See* Ex. F.

49. In fact, the BOE apparently is providing inaccurate information to voters. Although the deadline for first requesting a mail-in ballot is October 29, 2024, a voter who has timely requested a mail-in ballot is entitled to go to the BOE and receive the ballot they requested (if they have not already) or and request a replacement ballot and may fill in that ballot and immediately deliver it to the BOE, after first placing the ballot in the secrecy envelope and outer envelope. The BOE is required to accept that completed mail-in ballot until Tuesday, November 5, 2024 at 8:00pm. However, the BOE is advising voters that they are not able to obtain a mail-in ballot even if they met the application deadline.

50. As of October 28, 2024, only 21,536 mail-in ballots have been returned of the 40,844 mail-in applications approved in Erie County. *See Elections Data*, PA Dep't of State, <https://www.pa.gov/en/agencies/vote/elections/elections-data.html> (last visited October 28, 2024).

51. Erie County's mail-in ballot return rate trails the state average by over 15 points (52% in Erie County versus 67% statewide.) *Id.*

52. Additionally, upon information and belief, 1,800 mail-in ballots sent by Vendor to the Post Office have been lost and will not be delivered to the respective voters approved to receive them.

53. These 1,800 voters will not receive mail-in ballots and, even if located, will not receive mail-in ballots in a timely manner to exercise their fundamental right to vote, and therefore must vote by provisional ballot on Election Day.

54. Requiring thousands of voters to submit provisional ballots on Election Day will place a heavy burden on polling locations not equipped to handle this volume of provisional ballots—resulting in likely delays for all voters and the potential for a polling place to run out of the necessary provisional ballots.

55. Because provisional ballots can be disqualified based on technical requirements even when voters are improperly instructed by the judge of elections—*see In re Canvass of Provisional Ballots in 2024 Primary Election*, 322 A.3d 900 (Pa. 2024)—forcing these voters to cast provisional ballots guarantees that many will be doubly disenfranchised, even assuming they are able to vote in person in Erie County on Election Day.

56. In addition, it is not clear that the BOE has planned for a surge of provisional voters or contemplated the impact of delays on Election Day.

57. The BOE has not set forth a clear mechanism by which it will ensure that voters will receive their mail-in ballots in the time set forth in the Election Code of “not later than the second Tuesday prior to the primary or election.” 25 P.S. § 3150.15.

58. Further, the BOE has refused to release the names of the affected voters to the PDP as required by the Election Code. *See* 25 P.S. § 3150.17(a), (c).

59. By such actions, Defendant has caused and will continue to cause Plaintiff to suffer immediate and irreparable injury and actual damages for which Plaintiff has no adequate remedy at law. Without redress by this Court, Plaintiff will be deprived of a lawful, full, and fair election. Immediate and effective relief is essential to ensure that the election currently in progress is fairly conducted pursuant to the laws cited above.

60. The BOE allows voters to cancel their mail-in ballot requests with the form attached as Exhibit H. Unfortunately, given the ongoing delays with the postal service, it is not feasible for

these voters who have not received a mail-in ballot in a timely manner to mail a “Request to Cancel My Ballot Request” form to the Erie County Board of Elections before Election Day. *See* Ex. H; *see also* USPS Release (recommending voters mail their mail-in ballots by October 29, 2024 for receipt on Election Day).

61. Given the delays in delivering mail-in ballots to thousands of voters, adequate remedies must be put in place to protect the constitutional right of these voters to vote and to ensure an orderly election process will occur on November 5, 2024.

62. The BOE prepares printable polling books identifying each registered voter and those who have a pending mail-in ballot application.

63. Upon information and belief, that printed polling book is finalized by Friday, November 1, 2024 (“Polling Book Deadline.”)

64. This Court should declare that all voters who applied for mail-in ballots, did not submit a ballot by the Polling Book Deadline, and affirmed to the CBE or the Election Judge their desire to cancel their late sent or never received mail ballot, shall be permitted to vote on voting machines as if they had canceled their mail-in ballot application.

65. The BOE shall segregate all mail-in ballots received after the Polling Book Deadline.

66. After Election Day, the BOE, with observers from the major political parties and their represented candidates under the Election Code, shall compare the segregated mail-in ballot with the voting register and shall count all such votes in mail-in ballots received before November 5, 2024 at 8:00pm unless the register indicates that the voter voted in person.

67. The BOE has had overflow lines at its office in the Erie County Courthouse.

68. Given the extraordinary delays in sending mail-in ballots—and failures to do so in many instances—it is imperative that the BOE remain open until November 4, 2024 for purposes of receiving the dropped off mail-in ballots and allowing voters who timely applied for mail-in ballots to receive a ballot to deposit on site at the BOE in the dropbox.

69. The BOE should be directed to establish firm hours and notify the public.

70. The BOE should be directed to cease providing misinformation that voters cannot request these ballots.

71. The BOE should be directed to remain open to the public from 8:00am until 9:00pm on weekdays and from 9:00am-5:00pm on weekends through November 4, 2024.

72. Denying relief would inflict greater injury on Plaintiff than granting the requested relief would inflict on the Defendant.

73. Issuance of an injunction granting relief to Plaintiff will not substantially harm Defendant. A preliminary injunction will properly restore the parties to their status as it existed prior to the wrongful conduct described herein.

74. The public interest weighs heavily in favor of entry of an injunction designed to protect the right to a full and fair election and ensure that every voter may cast a vote.

75. The relief Plaintiff seeks is reasonably suited to abate the offending activity.

76. Plaintiff has no reason to believe that the wrongful conduct alleged above will cease unless enjoined.

WHEREFORE, Plaintiff asks this Court to enter an injunction in Plaintiff's favor and against the Defendant and ask the Court to:

- a. Enter a special and/or preliminary injunction ordering that the BOE:

- i. Release the names of all affected voters who have been approved for a mail-in ballot but have not yet received one;
- ii. Release the names of all voters among the 1,800 voters for whom the USPS has no record of having received for delivery a mail-in ballot;
- iii. Release the names of all voters for whom the BOE has reason to believe did not receive their mail-in ballots until on or after October 22, 2024, after the time at which such ballots are required to have been mailed or delivered under 25 P.S. § 3150.15.
- iv. Declare that all voters who applied for mail-in ballots but did not submit a ballot by the Polling Book Deadline shall be permitted to cancel said ballot or ballot application via the Request to Cancel My Ballot Request form, affirm that they have not voted by mail-in ballot, and vote on voting machines;
- v. Provide that thirty (30) blank Request to Cancel My Ballot Request forms are available in each polling district and ensure that these forms are available throughout Election Day;
- vi. Ensure an adequate number of provisional ballots are available at all polling locations in Erie County to accommodate voters who requested, but did not timely receive, mail-in ballots and will be required to vote provisionally;
- vii. Provide for overnight ballot delivery for out-of-state residents who vote by mail-in ballot;
- viii. Segregate all mail-in ballots received after the Polling Book Deadline;

- ix. Following Election Day, allow observers from the major political parties and their represented candidates under the Election Code to compare the segregated mail-in ballot with the voting register and count all votes within mail-in ballots received before November 5, 2024 at 8:00pm unless the register indicates that the voter voted in person; and
  - x. Establish firm hours to remain open to the public from 8:00am until 9:00pm on weekdays and from 9:00am-5:00pm on weekends through November 4, 2024 and notify the public of these hours.
  - xi. Allow those voters who requested a mail-in ballot on or before October 29, 2024 to appear in person to receive a mail-in ballot and submit the completed ballot to the BOE; and
  - xii. Publicize the hours of the BOE and the availability to order a mail-in ballot if the voter timely applied and to submit the completed ballot in the dropbox at the BOE.
- b. Award Plaintiff costs, interest and attorney's fees; and
  - c. Grant such other and further relief that this Court deems equitable, just, and appropriate.



Respectfully submitted,

By: /s/ Timothy D. McNair

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Dated: October 30, 2024  
5056134

*Attorneys for Plaintiff, the Pennsylvania  
Democratic Party*

# **EXHIBIT A**



## ELECTIONS

# Erie County voters waiting for ballots should get them soon. What caused the delay?



**Matthew Rink**

Erie Times-News

Published 9:23 p.m. ET Oct. 24, 2024 | Updated 9:23 p.m. ET Oct. 24, 2024

Two bins of roughly 750 mail ballots destined for Erie County voters were sent from a U.S. Postal Service processing plant in Pittsburgh to the wrong post office, delaying delivery and creating panic among those who still had not received them, according to Erie County Clerk Karen Chillcott.

## State steps in

Chillcott said she learned the reason for the delay from officials with the Pennsylvania Department of State, which the Erie County Board of Elections had asked to assist in the matter. The county's contracted mail house for printing and mailing ballots, Akron, Ohio-based ElectionIQ, told state officials they had dropped off the ballots in Pittsburgh, where Erie mail is processed before being sent out for delivery.

In a separate matter, ElectionIQ experienced a software malfunction that led to an issue involving nearly 300 mail ballots being duplicated and sent to the wrong voter.

The delay of other ballots, however, now appears to have originated with the Postal Service.

"There were two bins of mail that after arriving at the post office in Pittsburgh were inadvertently sent to the wrong post office," Chillcott said. "It is my understanding that those bins have since been located and, as of today (Thursday), the ballots are considered 'out for delivery.'"

**Election 2024:** Everything you need to know for the Nov. 5 election

## Tracking ballots

Any voter who has not received their mail ballot can track its status at [pavoterservices.pa.gov/pages/ballotracking.aspx](http://pavoterservices.pa.gov/pages/ballotracking.aspx).

As of Thursday morning, Erie County had processed 39,630 applications for mail ballots, including 23,815 requests from Democrats, 11,857 from Republicans and 3,958 from independents or third-party registrants.

The Voter Registration Office has received 15,142 completed ballots, including 3,435 via early voting at the office and 3,976 via a drop box outside of the Erie County Courthouse, in which the Voter Registration Office is located. Another 7,731 have been returned through the U.S. Postal Service.

*Matthew Rink can be reached at [mrink@timesnews.com](mailto:mrink@timesnews.com) or on X at [@ETNRink](https://twitter.com/ETNRink).*

# **EXHIBIT B**



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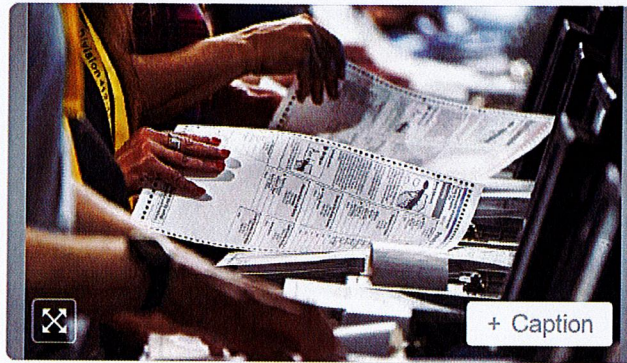
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LOCAL

# Nearly 300 duplicate ballots incorrectly sent to Erie voters after vendor's addressing system fails



By Taylor Hall, WPXI.com  
October 22, 2024 at 10:24 pm EDT

+ Caption



PITTSBURGH'S MOST TRUSTED AND RECOMMENDED ROOFER

Financing Available CALL 1-800-NEW-ROOF



By Taylor Hall, WPXI.com

October 22, 2024 at 10:24 pm EDT

ERIE COUNTY, Pa. — Nearly 300 duplicate ballots were incorrectly sent to voters in Erie.

According to a news release from the Erie County Board of Elections, out of the 38,000 requested mail ballots, 296 duplicates were sent to voters.

The board became aware of the issue on Friday, Oct. 18.

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If some are used in your own Pittsburgh Election Day, do the ballots still count? Several more are...

The news release says the board worked to identify the source of the error and found that vendor Election IQ's addressing system temporarily failed.

The board said it would communicate with voters who received duplicate ballots and ensure they do not vote twice.

"The board has internal mechanisms in place to further ensure this does not occur. The board is committed to the integrity of the upcoming General Election and is confident that it has taken all steps necessary so that these duplicate ballots will not affect the outcome of the election in any way," the release reads.

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# **EXHIBIT C**



**IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA**

PENNSYLVANIA DEMOCRATIC, PARTY,	)	
510 N. Third Street, Harrisburg, PA 17101	)	Civil Action No.
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ERIE COUNTY BOARD OF ELECTIONS,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF MITCH KATES**

I am an adult individual over the age of 21 years of age and have personal knowledge of the matters set forth herein.

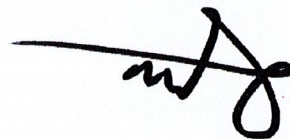
1. I reside in Ben Avon, Pennsylvania.
2. I am the Executive Director of the Pennsylvania Democratic Party (the "PDP").
3. I make this Declaration in support of the PDP's Complaint Seeking Mandamus relief to Enforce Provisions of the Election Code and Injunctive Relief to Address Failure to Do So.
4. The PDP is a major political party under the Pennsylvania Election Code. In each general, midterm, and municipal election, the PDP regularly nominates individuals for Pennsylvania's federal, state, and local offices.
5. The PDP is the largest political party by registration in the Commonwealth.
6. The PDP has expended and continues to expend significant resources to educate candidates, electors, and voting officials regarding adherence to the Election Code.
7. The PDP has dedicated significant resources to encourage its supporters and constituents to vote, including to vote by mail.

8. The Erie County Board of Elections has encountered a number of issues related to the issuance of mail-in ballots to eligible electors for the upcoming General Election on November 5, 2024. See Matthew Rink, *Erie County voters waiting for ballots should get them soon. What caused the delay?*, Erie Times-News, Oct. 24, 2024, available at <https://www.goerie.com/story/news/politics/elections/2024/10/24/election-ballots-delayed-erie-county-voters-receive-soon-usps-pittsburgh/75830990007/>; see also Taylor Hall, *Nearly 300 duplicate ballots incorrectly sent to Erie voters after vendor's addressing system fails*, WPXI Pittsburgh, Oct. 22, 2024, available at <https://www.wpxi.com/news/local/nearly-300-duplicate-ballots-incorrectly-sent-erie-voters-after-vendors-addressing-system-fails/E5XTI4KOLNAOHG72LOKAZ26GCA/>.

9. The foregoing issues have caused registered Democratic voters in Erie County substantial delays and hardships in casting their mail-in ballot for the upcoming General Election.

10. The PDP has an interest in ensuring that its members have the ability to timely cast a mail-in ballot and in ensuring that all votes are counted.

The statements contained in this Declaration are true and correct to the best of my personal knowledge. I make this declaration subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.



Date: 10/29/2024

---

Mitch Kates

# **EXHIBIT D**

**IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA**

PENNSYLVANIA DEMOCRATIC, PARTY, 510 N. Third Street, Harrisburg, PA 17101	)	Civil Action No. _____
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ERIE COUNTY BOARD OF ELECTIONS,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF MARY E. GIBSON**

I am an adult individual over the age of 21 years of age and have personal knowledge of the matters set forth herein.

1. I reside in Allegheny County, 3214 Waterford Court, Pittsburgh, PA 15238.
2. I am the Deputy Voter Protection Director for Election Administration for the Pennsylvania Democratic Coordinated Campaign (also known as the Democratic Voter Protection Team or “DVPT”). The DVPT’s goal is to act in the best interests of Pennsylvania Democrats and protect the right to vote in the Commonwealth.
3. I make this Declaration in support of the Pennsylvania Democratic Party’s (“PDP”) Complaint Seeking Mandamus Relief to Enforce Provisions of the Election Code and Injunctive Relief to Address Failure to Do So.
4. The DVPT has learned that the Erie County Board of Elections has encountered a number of issues related to the issuance of mail-in ballots to eligible electors for the upcoming General Election on November 5, 2024.

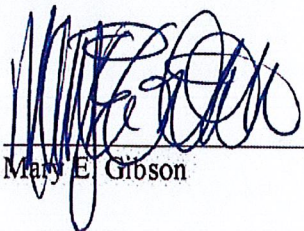
5. More specifically, 552 voters in Erie County have contacted the DVPT hotline because they either received an incorrect mail-in ballot or have yet to receive any mail-in ballot whatsoever despite that the election is now only a week away. *See also, e.g.,* Matthew Rink, *Erie County voters waiting for ballots should get them soon. What caused the delay?*, Erie Times-News, Oct. 24, 2024, available at <https://www.goerie.com/story/news/politics/elections/2024/10/24/election-ballots-delayed-erie-county-voters-receive-soon-usps-pittsburgh/75830990007/>; *see also* Taylor Hall, *Nearly 300 duplicate ballots incorrectly sent to Erie voters after vendor's addressing system fails*, WPXI Pittsburgh, Oct. 22, 2024, available at <https://www.wpxi.com/news/local/nearly-300-duplicate-ballots-incorrectly-sent-erie-voters-after-vendors-addressing-system-fails/E5XTI4KOLNAOHG72LOKAZ26GCA/>.

6. Since learning of these issues, the DVPT has contacted the Erie County Board of Elections to attempt to work out a solution so that Erie County voters are able to exercise their right to vote by mail and are not disenfranchised.

7. However, the Erie County Board of Elections has been unresponsive, uncooperative, and has refused to take meaningful corrective action.

8. The statements contained in this Declaration are true and correct to the best of my personal knowledge. I make this declaration subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Date: 10/29/2024

  
\_\_\_\_\_  
Mary E. Gibson

# **EXHIBIT E**

**IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA**

PENNSYLVANIA DEMOCRATIC, PARTY, 510 N. Third Street, Harrisburg, PA 17101	)	Civil Action No. _____
	)	
Plaintiff,	)	Judge _____
	)	
v.	)	
	)	
ERIE COUNTY BOARD OF ELECTIONS,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF HOMER A. MOSCO**

I am an adult individual over the age of 21 years of age and have personal knowledge of the matters set forth herein.

1. I reside at 3806 Beech Ave., 16509 City of Erie, Erie County, Pennsylvania.
2. I am an eligible voter in Pennsylvania and in Erie County.
3. I requested a mail-in ballot for this election from the Erie County Board of Elections.
4. In early October 2024, I received my requested mail-in ballot. I promptly returned said ballot to the Erie County drop box located at the Erie County Courthouse, 140 W. 6<sup>th</sup> Street, Erie, Pennsylvania 16501.
5. Approximately one (1) week later, I received another ballot at the same above address with all correct identifying information. This ballot was incorrect for the voting district where I reside as I reside in the 2<sup>nd</sup> Legislative District for the Pennsylvania State Assembly, not the 4<sup>th</sup> Legislative District as noted on the second received ballot. A true and correct copy of said ballot is attached hereto as an exhibit.

6. Following receipt of the second ballot, I have not received any follow up communication from the Erie County Board of Elections.

7. I wish for my vote to count for the 2024 General Election.

The statements contained in this Declaration are true and correct to the best of my personal knowledge. I make this declaration subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 10/29/24

Homer A. Mosco  
Homer A. Mosco

Homer A. Mosco



**Official Ballot**

Your ballot must be received  
by 8 p.m. on Election Day at  
the Erie County Board of  
Elections.

ERIE COUNTY BOARD OF ELECTIONS  
140 WEST 6TH STREET RM 112  
ERIE, PA 16501

POSTAGE PAID  
ERIE, PA  
PERMIT 913

RETURN SERVICE REQUESTED



HOMER A MOSCO  
3806 BEECH AVE  
ERIE, PA 16508-3113

6751  
T32 P1



GIRARD TWP DISTRICT 2  
24002

MAIL-IN

# Official Ballot

County of Erie, Commonwealth of Pennsylvania  
General Election, Held on the 5th Day of November, 2024



8751

Provisional Stamp HERE if applicable

### Instructions for Voters:

1. TO VOTE YOU MUST COMPLETELY BLACKEN THE OVAL TO THE RIGHT OF YOUR CHOICE. An oval darkened to the right of any candidate indicates a vote for that candidate.
  2. To cast a write-in vote for a person whose name is not on the ballot, you must darken the oval to the right of the line provided and print the name in the blank space provided for that purpose.
  3. Use only a black pen or marker.
  4. If you make a mistake, ask for a new ballot.
- WARNING: If you receive an absentee or mail-in ballot and return your voted ballot by the deadline, you may not vote at your polling place on election day. If you are unable to return your voted absentee or mail-in ballot by the deadline, you may only vote a provisional ballot at your polling place on election day, unless you surrender your absentee or mail-in ballot and envelope to the judge of elections to be voided to vote by regular ballot.

PRESIDENTIAL ELECTORS (Vote for the candidates of one party for President and Vice-President or insert the names of candidates)	ATTORNEY GENERAL (Vote For One)	STATE TREASURER (Vote For One)
<input type="radio"/> KAMALA D HARRIS PRESIDENT VICE-PRESIDENT Democratic	<input type="radio"/> EUGENE DEPASQUALE Democratic	<input type="radio"/> ERIN MCCLELLAND Democratic
<input type="radio"/> TIM WALZ VICE-PRESIDENT Democratic	<input type="radio"/> DAVE SUNDAY Republican	<input type="radio"/> STACY GARRITY Republican
<input type="radio"/> DONALD J TRUMP PRESIDENT JD VANCE VICE-PRESIDENT Republican	<input type="radio"/> ROBERT COWBURN Libertarian	<input type="radio"/> NICKOLAS CIESIELSKI Libertarian
<input type="radio"/> CHASE OLIVER PRESIDENT MIKE TER MAAT VICE-PRESIDENT Libertarian	<input type="radio"/> RICHARD L WEISS Green Party	<input type="radio"/> TROY BOWMAN Constitution Party
<input type="radio"/> JILL STEIN PRESIDENT RUDOLPH WARE VICE-PRESIDENT Green Party	<input type="radio"/> JUSTIN L MAGILL Constitution Party	<input type="radio"/> CHRIS FOSTER Forward Party
<input type="radio"/> Write-In	<input type="radio"/> ERIC L SETTLE Forward Party	<input type="radio"/> Write-In
<input type="radio"/> Write-In	<input type="radio"/> Write-In	<b>REPRESENTATIVE IN CONGRESS DISTRICT 16 (Vote For One)</b>
<input type="radio"/> Write-In	<input type="radio"/> Write-In	
<input type="radio"/> Write-In	<input type="radio"/> Write-In	
<input type="radio"/> Write-In	<input type="radio"/> Write-In	
<b>UNITED STATES SENATOR (Vote For One)</b>	<b>AUDITOR GENERAL (Vote For One)</b>	<input type="radio"/> PRESTON NOURI Democratic
<input type="radio"/> ROBERT P CASEY JR Democratic	<input type="radio"/> MALCOLM KENYATTA Democratic	<input type="radio"/> MIKE KELLY Republican
<input type="radio"/> DAVE MCCORMICK Republican	<input type="radio"/> TIM DEFOOR Republican	<input type="radio"/> Write-In
<input type="radio"/> JOHN C THOMAS Libertarian	<input type="radio"/> REECE SMITH Libertarian	<input type="radio"/> Write-In
<input type="radio"/> LEILA HAZOU Green Party	<input type="radio"/> ERIC K ANTON American Solidarity Party	<b>SENATOR IN THE GENERAL ASSEMBLY DISTRICT 49 (Vote For One)</b>
<input type="radio"/> MARTY SELKER Constitution Party	<input type="radio"/> BOB GOODRICH Constitution Party	
<input type="radio"/> Write-In	<input type="radio"/> Write-In	
<input type="radio"/> Write-In	<input type="radio"/> Write-In	
		<input type="radio"/> JIM WERTZ Democratic
		<input type="radio"/> DAN LAUGHLIN Republican
		<input type="radio"/> Write-In

VOTE BOTH SIDES OF BALLOT





# **EXHIBIT F**

IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA

PENNSYLVANIA DEMOCRATIC PARTY, ) Civil Action No. \_\_\_\_\_  
510 N. Third Street, Harrisburg, PA 17101 )  
Plaintiff, ) Judge \_\_\_\_\_  
v. )  
ERIE COUNTY BOARD OF ELECTIONS, )  
Defendant. )

DECLARATION OF

I am an adult individual over the age of 21 years of age and have personal knowledge of the matters set forth herein.

1. I, Eugene W Kennedy, reside at 2741  
East 29th Street, Erie County, Pennsylvania, United States.
2. I am an eligible voter in Pennsylvania and in Erie County.
3. I attest that I timely requested a mail-in/absentee ballot for the 2024 General Election.
4. As of the date of this Declaration, I have not yet received my requested ballot.
5. I wish to vote in the 2024 General Election.

The statements contained in this Declaration are true and correct to the best of my personal knowledge. I make this declaration subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Signed on the 27<sup>th</sup> day of Oct, 2024 at \_\_\_\_\_

\_\_\_\_\_  
(address where signature obtained) Erie  
County, Pennsylvania, United States.

Dated:

Eugene W Kennedy  
Signature of Elector

Eugene W. Kennedy  
Printed Name of Elector



# **EXHIBIT G**





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## ELECTIONS

# Your mail-in ballot still hasn't arrived? What can be done



**Matthew Rink**

Erie Times-News

Published 8:28 a.m. ET Oct. 29, 2024 | Updated 9:34 a.m. ET Oct. 29, 2024

The Erie County Board of Elections and Voter Registration Office continue to work with the Pennsylvania Department of State, Gov. Josh Shapiro's Office, the U.S. Postal Service and its third party vendor, ElectionIQ, to determine the status of mail-in ballots that have not been delivered to voters.

Erie County Clerk Karen Chillcott on Monday provided potential remedies for people who are concerned they won't receive their ballot in time to return it to the county elections office by the deadline, which is 8 p.m. Tuesday, Nov. 5, when the polls close across the state.

Mail-in ballots must be received by the office by that time.

**Election 2024:** Your guide to the Nov. 5 general election

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## What to do if you haven't received your mail ballot

If you live out of the area and cannot make it to the polls on Election Day, you can email the Voter Registration Office, request that the mail-in ballot you request be canceled and ask the office to send you a new ballot via priority express mail. The ballot would be sent directly from the Voter Registration Office, as opposed to its mail house, ElectionIQ, which is based in Akron, Ohio, and which handles the printing of ballots and batch mailings.

However, this request must be made by the end of the day Tuesday, Oct. 29, which is the deadline to request a mail-in ballot. Chillcott recommends voters email their request to the

office at [voterreg@eriecountypa.gov](mailto:voterreg@eriecountypa.gov).

Starting Wednesday, voters can request an emergency ballot for unforeseen circumstances such as illness, business or other work obligations.

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## When does early voting end?

If you receive your mail-in ballot before Election Day, but cannot return your ballot to the Voter Registration Office or leave it at the drop box outside of the Erie County Courthouse, 201 W. Sixth St., you can surrender your mail-in ballot to election officials at your polling place. The ballot will be canceled and you will be permitted to vote at the polls.

If you have not received your mail-in ballot before Election Day, you can go to your polling place and request a provisional ballot. Provisional ballots are special ballots that are manually reviewed to ensure a voter, for example, has not cast two ballots. Provisional ballots are typically reviewed and counted during the Board of Elections final canvass, which is typically the Friday after the election.

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## Mail ballot mishap slowing early voting

The Voter Registration Office has been flooded with calls and, in some cases, the call volume overwhelms the phone system and some callers are being disconnected. Employees are not hanging up on callers, Chillcott said.

Anyone who intends to vote early Tuesday should prepare to wait for several hours, bring a snack, something to drink and even a book. Going with another person is also advised so you have someone to hold your place in line if you need to use the restroom, she said.

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## Some Erie mail ballots sent to wrong post office

Last week, the county learned that two bins of mail-in ballots had been dropped off at a U.S. Postal Service mail processing facility in Pittsburgh, but were then sent to the wrong post office.

However, Chillcott on Monday said she is concerned more ballots might have been affected.

The Postal Service error followed the Oct. 18 discovery that ElectionIQ had mistakenly sent duplicate mail-in ballots to the wrong voters.

Chillcott has more meetings Tuesday with state officials.

*Matthew Rink can be reached at [mrink@timesnews.com](mailto:mrink@timesnews.com) or on X at [@ETNRink](https://twitter.com/ETNRink).*

# **EXHIBIT H**

# REQUEST TO CANCEL MY BALLOT REQUEST



**This form can only be completed by the voter.**

**STEP 1:**  
Fill out the form

**STEP 2:**  
Sign and date the form

**STEP 3:**  
Mail or deliver to your county voter registration office (see list on page 2)

**By submitting this form, you're requesting the following:**

- You no longer wish to receive a mail ballot for the upcoming election and request for your ballot request to be canceled.
- If you are a permanent or annual voter, you are also requesting for your permanent status to be canceled and to cancel all ballot requests for any upcoming election(s). If you would like to receive a mail ballot in the future, you'll need to reapply for one.

(A permanent or annual mail-in voter is someone who requested to receive a mail-in ballot automatically for every election for which they're eligible that year. The voter is then given a choice to renew this request each future year if they choose.)

**Printed Name** 1

Last name \_\_\_\_\_  Jr  Sr  II  III  IV

First name \_\_\_\_\_ Middle name or initial \_\_\_\_\_

**Identification**

This information will only be used to locate your record on file and process your request. Your ID information will be confidential.

2

PA driver's license or PennDOT ID card number \_\_\_\_\_

Last four digits of your Social Security number X X X - X X - \_\_\_\_\_

Date of birth M M / D D / Y Y Y Y \_\_\_\_\_

or

**Address**

Please write the address where you are registered to vote in Pennsylvania.

3

Street Address (Not P.O. Box) \_\_\_\_\_ Apt. # \_\_\_\_\_

City/Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Municipality \_\_\_\_\_ County \_\_\_\_\_

**Contact**

Please add your contact information in case there are any questions.

4

Phone (Optional) ###-###-#### \_\_\_\_\_

Email (Optional) \_\_\_\_\_

**NOTICE** 5 False statements on this form are punishable pursuant to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

**Signature** 6 \_\_\_\_\_

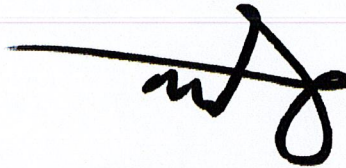
Date \_\_\_\_\_

# County Elections Office addresses

<b>Adams</b> 230 Greenmyer Lane Ste 100 Gettysburg, PA 17325 (717) 337-9832	<b>Chester</b> 601 Westtown Rd Ste 150 PO Box 2747 West Chester, PA 19380 (610) 344-6410	<b>Fulton</b> 116 W Market St Ste 205 McConnellsburg, PA 17233 (717) 485-6872	<b>Mercer</b> 130 North Pitt St Ste B Mercer, PA 16137-1227 (724) 662-7542	<b>Susquehanna</b> PO Box 218 31 Lake Ave Montrose, PA 18801 (570)278-6697
<b>Allegheny</b> 542 Forbes Ave Ste 312 Pittsburgh, PA 15219-2913 (412) 350-4500	<b>Clarion</b> Administrative Bldg Rm 104 330 Main St Clarion, PA 16214 (814) 226-4000 ext 2006	<b>Greene</b> 93 E High St Rm 102 Waynesburg, PA 15370 (724) 852-5230	<b>Mifflin</b> 20 N Wayne St Lewistown, PA 17044 (717) 248-6571	<b>Tioga</b> 118 Main St Wellsboro, PA 16901 (570) 723-8230
<b>Armstrong</b> Administration Bldg 450 E Market St Ste 207 Kittanning, PA 16201 (724) 548-3222	<b>Clearfield</b> 212 E Locust St Ste 106 Clearfield, PA 16830 (814) 765-2642 ext 5053	<b>Huntingdon</b> Bailey Bldg 233 Penn St Huntingdon, PA 16652 (814) 643-3091 ext 205	<b>Monroe</b> One Quaker Plaza Rm 105 Stroudsburg, PA 18360 (570) 517-3165	<b>Union</b> 155 N 15th St Lewisburg, PA 17837-8822 (570) 524-8681
<b>Beaver</b> 810 Third St Beaver PA 15009 (724) 770-4440	<b>Clinton</b> 2 Piper Way Ste 309 Lock Haven, PA 17745 (570) 893-4019	<b>Indiana</b> 825 Philadelphia St Indiana, PA 15701-3934 (724) 465-3852	<b>Montgomery</b> PO Box 311 Norristown, PA 19404-0311 (610) 278-3280	<b>Venango</b> 1174 Elk St PO Box 831 Franklin, PA 16323-0831 (814) 432-9514
<b>Bedford</b> 200 S Juliana St 3rd Fl Ste 301 Bedford, PA 15522 (814) 623-4807	<b>Columbia</b> Columbia Cnty Courthouse 11 W Main St Bloomsburg, PA 17815-0380 (570) 389-5640	<b>Jefferson</b> 155 Main St Jefferson Place Brookville, PA 15825-1269 (814) 849-1583	<b>Montour</b> 435 E Front St Danville, PA 17821 (570) 271-3002	<b>Warren</b> 204 4th Ave Warren, PA 16365 (814) 728-3406
<b>Berks</b> 633 Court St 1st Fl Reading, PA 19601 (610) 478-6490	<b>Crawford</b> 903 Diamond Park Meadville, PA 16335 (814) 333-7307	<b>Juniata</b> 1 N Main St PO Box 68 Mifflintown, PA 17059 (717) 436-7706	<b>Northampton</b> 669 Washington St Easton, PA 18042 (610) 829-6260	<b>Washington</b> 95 W Beau St Ste G10 Washington, PA 15301 (724) 228-6750
<b>Blair</b> 279A Loop Road Hollidaysburg, PA 16648 (814) 693-3287	<b>Cumberland</b> 1601 Ritner Highway Ste 201 Carlisle, PA 17013 (717) 240-6385	<b>Lackawanna</b> 123 Wyoming Ave 2nd Floor Scranton, PA 18503 (570) 963-6737	<b>Northumberland</b> 320 N 2nd St Ste 1 Sunbury, PA 17801 (570) 988-4208	<b>Wayne</b> 925 Court St Honesdale, PA 18431 (570) 253-5978
<b>Bradford</b> 6 Court St Ste 2 Towanda, PA 18848 (570) 265-1717	<b>Dauphin</b> 1251 S 28th St Harrisburg, PA 17111 (717) 780-6360	<b>Lancaster</b> PO Box 2139 Lancaster, PA 17608 (717) 299-8293	<b>Perry</b> Freedom Building 15 West Main St. PO Box 37 New Bloomfield, PA 17068 (717) 582-2131 ext 4110	<b>Westmoreland</b> 2 N Main St Ste 109 Greensburg, PA 15601 (724) 830-3150
<b>Bucks</b> 55 E Court St Doylestown, PA 18901 (215) 348-6183	<b>Delaware</b> Govt Center Bldg 201 W Front St Media, PA 19063-2728 (610) 891-4659	<b>Lawrence</b> 430 Court St New Castle, PA 16101 (724) 656-2161	<b>Philadelphia</b> Voter Registration Office 520 N Columbus Blvd 5th Floor Philadelphia, PA 19123 (215) 686-3469	<b>Wyoming</b> 1 Courthouse Sq Tunkhannock, PA 18657 (570) 996-2226
<b>Butler</b> PO Box 1208 227 West Cunningham St Butler, PA 16001 (724) 284-5308	<b>Elk</b> 300 Center St PO Box 448 Ridgway, PA 15853-0448 (814) 776-5337	<b>Lebanon</b> 400 S 8th St Municipal Bldg Rm 209 Lebanon, PA 17042 (717) 228-4428	<b>Pike</b> 506 Broad St Milford, PA 18337 (570) 296-3427	<b>York</b> 2401 Pleasant Valley Rd Ste 219 York, PA 17402 (717) 771-9604
<b>Cambria</b> 200 S Center St Ebensburg, PA 15931 (814) 472-1464	<b>Erie</b> 140 W 6th St Rm 112 Erie, PA 16501 (814) 451-6275	<b>Lehigh</b> 17 S 7th St Allentown, PA 18101-2401 (610) 782-3194	<b>Potter</b> 1 N Main St Ste 204 Coudersport, PA 16915 (814) 274-8467	For a listing of available email addresses, go to <a href="http://www.vote.pa.gov/county">www.vote.pa.gov/county</a> .
<b>Cameron</b> 20 E Fifth St Emporium, PA 15834-1469 (814) 486-9321	<b>Fayette</b> 2 W Main St Ste 111 Uniontown, PA 15401 (724) 430-1289	<b>Luzerne</b> 20 N Pennsylvania Ave Ste 207 Wilkes-Barre, PA 18701 (570) 825-1715	<b>Schuylkill</b> 420 N Centre St Pottsville, PA 17901 (570) 628-1467	
<b>Carbon</b> 44 Susquehanna St PO Box 170 Jim Thorpe, PA 18229 (570) 325-4801	<b>Forest</b> 526 Elm St Box 3 Tionesta, PA 16353 (814) 755-3537	<b>Lycoming</b> 48 W Third St Williamsport, PA 17701 (570) 327-2267	<b>Snyder</b> PO Box 217 Middleburg, PA 17842 (570) 837-4286	
<b>Centre</b> 420 Holmes St Willowbank Office Bldg Bellefonte, PA 16823-1488 (814) 355-6703	<b>Franklin</b> 272 N Second St Chambersburg, PA 17201 (717) 261-3886	<b>McKean</b> 500 W Main St Smethport, PA 16749 (814) 887-3203	<b>Somerset</b> 300 N Center Ave Ste 340 Somerset, PA 15501 (814) 445-1549	
			<b>Sullivan</b> 245 Muncy St PO Box 157 Laporte, PA 18626 (570) 946-5201 ext 7	

**VERIFICATION**

I, Mitch Kates, am the Executive Director of the Pennsylvania Democratic Party. I certify that I am authorized to sign legal documents on behalf of the Pennsylvania Democratic Party and that I have read the above **COMPLAINT**. The statements set forth therein are true and correct to the best of my personal knowledge, information, and belief. This statement and verification are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Date: 10/29/2024

By: \_\_\_\_\_

Mitch Kates, Executive Director  
Pennsylvania Democratic Party

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of 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.

Submitted by: Pennsylvania Democratic Party

Signature: /s/ Timothy D. McNair

Name: Timothy D. McNair

Attorney No.: 34304



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Complaint Seeking Mandamus Relief to Enforce Provisions of the Election Code and Injunctive Relief to Address Failure to Do So has been served this 30<sup>th</sup> day of October, 2024 via email upon:

Erie County Board of Elections  
c/o Thomas Talarico, Esq.  
Solicitor for the Erie County Board of Elections  
Erie County Courthouse  
140 West Sixth Street, Room 112  
Erie, PA 16501  
ttalarico@nwpalawyers.com

*Counsel for Erie County Board of Elections*

Kathleen A. Gallagher  
The Gallagher Firm, LLC  
436 Seventh Avenue, 30<sup>th</sup> Floor  
Pittsburgh, PA 15219  
kag@gallagherlawllc.com  
Thomas W. King, III  
Dillon, McCandless, King, Coulter & Graham, LLP  
128 W. Cunningham Street  
Butler, PA 16001  
tking@dmkcg.com

*Counsel for the Pennsylvania Republican Party*

/s/ Timothy D. McNair

IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA

PENNSYLVANIA DEMOCRATIC PARTY, ) Civil Action No. 12666-24  
Plaintiff, )  
v. )  
ERIE COUNTY BOARD OF ELECTIONS, )  
Defendant. )

COMMON PLEAS COURT  
ERIE, PA  
2024 OCT 30 AM 9:59  
CLERK OF RECORDS  
PROTHONOTARY

**PETITION FOR SPECIAL AND PRELIMINARY INJUNCTION**

Plaintiff, by undersigned counsel, hereby asks this Honorable Court for a special and preliminary injunction ordering that the Defendant: (1) provide a list of affected voters to Plaintiff; (2) produce any correspondence or guidance that was sent to affected voters; (3) provide mechanisms to ensure that affected voters are able to cast a correct ballot in a timely manner; and (4) provide other remedies to ensure the proper and orderly administration of the Election Code. In support, Plaintiffs rely on and incorporate by reference the facts set forth in their Complaint Seeking Mandamus Relief to Enforce Provisions of the Election Code and Injunctive Relief to Address Failure to Do So.

WHEREFORE, Plaintiff asks the Court to enter an injunction in Plaintiff's favor and against the Defendant and asks the Court to:

- a. Enter a special and/or preliminary injunction ordering that:

As to the 315 voters who received incorrect ballots, the BOE must:

- i. Immediately release the names of all affected voters who received duplicate or incorrect ballots;

I, Aubrea Hagerty-Haynes Prothonotary of the Court of Common Pleas of Erie County, PA., do certify that this is a true and correct copy of the original record filed in said court.

*Aubrea Hagerty-Haynes*

Prothonotary:

Date: 10/30/24

Deputy:

- ii. Immediately release any and all correspondence which the BOE has sent or provided to affected voters; and
- iii. Agree to a process whereby the BOE, with representatives of the PDP (and any other major political party that so requests) observe the opening of the duplicate ballots from voters who received and submitted such a ballot. If the ballot reflects all races and referendum for which the voter was entitled to vote, it shall be counted in full; if the ballot does not reflect the races and referendum to which the voter was entitled to vote, it otherwise shall be counted only as to the races that the voter would have been entitled to vote. In all cases, votes cast for the President, U.S. Senate, Congress, Statewide Offices, and State Senate shall be counted.

As to the class of approximately 19,308 voters whose approved mail-in ballots have not been issued or were issued belatedly, the BOE must:

- i. Release the names of all affected voters who have been approved for a mail-in ballot but have not yet received one;
- ii. Release the names of all voters among the 1,800 voters for whom the USPS has no record of having received for delivery a mail-in ballot;
- iii. Release the names of all voters for whom the BOE has reason to believe did not receive their mail-in ballots until on or after October 22, 2024, after the time at which such ballots are required to have been mailed or delivered under 25 P.S. § 3150.15.
- iv. Declare that all voters who applied for mail-in ballots but did not submit a ballot by the Polling Book Deadline shall be permitted to cancel said

- ballot or ballot application via the Request to Cancel My Ballot Request form, affirm that they have not voted by mail-in ballot, and vote on voting machines;
- v. Provide that thirty (30) blank Request to Cancel My Ballot Request forms are available in each polling district and ensure that these forms are available throughout Election Day;
  - vi. Ensure an adequate number of provisional ballots are available at all polling locations in Erie County to accommodate voters who requested, but did not timely receive, mail-in ballots and will be required to vote provisionally;
  - vii. Provide for overnight ballot delivery for out-of-state residents who vote by mail-in ballot;
  - viii. Segregate all mail-in ballots received after the Polling Book Deadline (November 1, 2024);
  - ix. Following Election Day, allow observers from the major political parties and representatives of candidates under the Election Code to compare the segregated mail-in ballots with the voting register and count all mail-in ballots received before November 5, 2024 at 8:00pm unless the register indicates that the voter voted in person;
  - x. Establish firm hours to remain open to the public from 8:00am until 9:00pm on weekdays and from 9:00am-5:00pm on weekends through November 4, 2024 and notify the public of these hours;

- xi. Allow those voters who requested a mail-in ballot on or before October 29, 2024 to appear in person to receive a mail-in ballot and submit the completed ballot to the BOE; and
  - xii. Publicize the hours of the BOE and the availability to order a mail-in ballot if the voter timely applied and to submit the completed ballot in the dropbox at the BOE.
- a. Award Plaintiff costs, interest and attorney's fees; and
  - b. Grant such other and further relief that this Court deems equitable, just, and appropriate.

Respectfully submitted,

By: /s/ Timothy D. McNair

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Dated: October 30, 2024  
5056134

*Attorneys for Plaintiff, the Pennsylvania  
Democratic Party*



As to the approximately 19,308 voters whose approved mail-in ballots have not been issued or were issued belatedly, the BOE must:

- i. Release the names of all affected voters who have been approved for a mail-in ballot but have not yet received one;
- ii. Release the names of all voters among the 1,800 voters for whom the USPS has no record of having received for delivery a mail-in ballot;
- iii. Release the names of all voters for whom the BOE has reason to believe did not receive their mail-in ballots until on or after October 22, 2024, after the time at which such ballots are required to have been mailed or delivered under 25 P.S. § 3150.15.
- iv. Declare that all voters who applied for mail-in ballots but did not submit a ballot by the Polling Book Deadline shall be permitted to cancel said ballot or ballot application via the Request to Cancel My Ballot Request form, affirm that they have not voted by mail-in ballot, and vote on voting machines;
- v. Provide that thirty (30) blank Request to Cancel My Ballot Request forms are available in each polling district and ensure that these forms are available throughout Election Day;
- vi. Ensure an adequate number of provisional ballots are available at all polling locations in Erie County to accommodate voters who requested, but did not timely receive, mail-in ballots and will be required to vote provisionally;

- vii. Provide for overnight ballot delivery for out-of-state residents who vote by mail-in ballot;
- viii. Segregate all mail-in ballots received after the Polling Book Deadline;
- ix. Following Election Day, allow observers from the major political parties and their represented candidates under the Election Code to compare the segregated mail-in ballot with the voting register and count all votes within mail-in ballots received before November 5, 2024 at 8:00pm unless the register indicates that the voter voted in person; and
- x. Establish firm hours to remain open to the public from 8:00am until 9:00pm on weekdays and from 9:00am-5:00pm on weekends through November 4, 2024, for the purpose of issuing substitute ballots to any voter who has requested a mail-in ballot and not yet returned one, and notify the public of these hours.
- xi. Allow those voters who requested a mail-in ballot on or before October 29, 2024 to appear in person to receive a mail-in ballot and submit the completed ballot to the BOE; and
- xii. Publicize the hours of the BOE and the availability to order a mail-in ballot if the voter timely applied and to submit the completed ballot in the dropbox at the BOE.

By the Court:

\_\_\_\_\_, J



**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of 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.

Submitted by: Pennsylvania Democratic Party

Signature: /s/ Timothy D. McNair

Name: Timothy D. McNair

Attorney No.: 34304

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Petition for Special and Preliminary Injunction has been served this 30<sup>th</sup> day of October, 2024 via email upon:

Erie County Board of Elections  
c/o Thomas Talarico, Esq.  
Solicitor for the Erie County Board of Elections  
Erie County Courthouse  
140 West Sixth Street, Room 112  
Erie, PA 16501  
ttalarico@nwpalawyers.com

*Counsel for Erie County Board of Elections*

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*Counsel for the Pennsylvania Republican Party*

/s/ Timothy D. McNair