

**[J-85-2022]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

DAVID BALL, JAMES D. BEE, JESSE D.	:	No. 102 MM 2022
DANIEL, GWENDOLYN MAE DELUCA,	:	
ROSS M. FARBER, LYNN MARIE	:	
KALCEVIC, VALLERIE SICILIANO-	:	
BIANCANIELLO, S. MICHAEL STREIB,	:	
REPUBLICAN NATIONAL COMMITTEE,	:	
NATIONAL REPUBLICAN	:	
CONGRESSIONAL COMMITTEE, AND	:	
REPUBLICAN PARTY OF PENNSYLVANIA,	:	
	:	
Petitioners	:	
	:	
v.	:	
	:	
	:	
LEIGH M. CHAPMAN, IN HER OFFICIAL	:	
CAPACITY AS ACTING SECRETARY OF	:	
THE COMMONWEALTH, AND ALL 67	:	
COUNTY BOARDS OF ELECTIONS,	:	
	:	
Respondents	:	

**PER CURIAM**

**DECIDED: November 1, 2022**

**AND NOW**, this 1<sup>st</sup> day of November, 2022, upon review of the briefs of the parties and *amici*, the Petitioners' request for injunctive and declaratory relief is granted in part and denied in part. The Pennsylvania county boards of elections are hereby **ORDERED** to refrain from counting any absentee and mail-in ballots received for the November 8, 2022 general election that are contained in undated or incorrectly dated outer envelopes. See 25 P.S. §3146.6(a) and §3150.16(a).

The Court is evenly divided on the issue of whether failing to count such ballots violates 52 U.S.C. §10101(a)(2)(B).

We hereby **DIRECT** that the Pennsylvania county boards of elections segregate and preserve any ballots contained in undated or incorrectly dated outer envelopes.

The Republican National Committee, the National Republican Congressional Committee, and the Republican Party of Pennsylvania have standing. Petitioners David Ball, James D. Bee, Jesse D. Daniel, Gwendolyn Mae Deluca, Ross M. Farber, Lynn Marie Kalcevic, Vallerie Siciliano-Biancaniello, and S. Michael Streib are hereby **DISMISSED** from the case for lack of standing.

Opinions to follow.

Chief Justice Todd and Justices Donohue and Wecht would find a violation of federal law.

Justices Dougherty, Mundy and Brobson would find no violation of federal law.