

IN RE: PETITION TO OPEN BALLOT : IN THE COURT OF COMMON PLEAS  
BOX PURSUANT TO 25 P.S. §3261(A) :  
AND FOR A CORRECT ACCOUNT OF : CHESTER COUNTY, PENNSYLVANIA  
THE GENERAL ELECTION FOR THE :  
GOVERNOR AND LIEUTENANT :  
GOVERNOR OF PENNSYLVANIA, :  
UNITED STATES SENATOR FOR :  
PENNSYLVANIA, UNITED STATES :  
REPRESENTATIVE FOR THE 6<sup>TH</sup> :  
DISTRICT OF PENNSYLVANIA, :  
PENNSYLVANIA STATE :  
REPRESENTATIVE FOR THE 157<sup>TH</sup> :  
LEGISLATIVE DISTRICT :

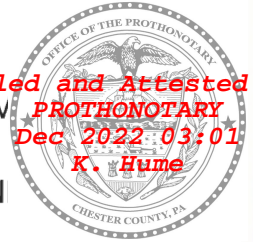
PETITION OF SALLY ANN MININGER, :  
MARTINA M. GAIN and ROBERT C. :  
FRANK, ALL OF THE ELECTION :  
DISTRICT OF TREDYFFRIN : NO. 2022-09182-EL  
TOWNSHIP M-4, POLLING PLACE :  
#617, Petitioners : CIVIL ACTION

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GOVERNOR AND LIEUTENANT :  
GOVERNOR OF PENNSYLVANIA :

PETITION OF JAMES JURIC, SARAH :  
JURIC and LINDA R. McGLINN, ALL :  
OF THE ELECTION DISTRICT OF : NO. 2022-09186-EL  
EAST BRADFORD, N-2 POLLING :  
PLACE #021, Petitioners : CIVIL ACTION

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THE GENERAL ELECTION FOR THE :  
GOVERNOR AND LIEUTENANT :  
GOVERNOR OF PENNSYLVANIA :

Filed and Attested by  
PROTHONOTARY  
09 Dec 2022 03:01 PM  
K. Hume



PETITION OF DAVID SHOEMAKER, :  
SHELLEY BEVACQUA and JOANNE :  
M. PERRONE, ALL OF THE :  
ELECTION DISTRICT OF KENNETT : NO. 2022-09187-EL  
TOWNSHIP 2, POLLING PLACE #325, :  
Petitioners : CIVIL ACTION

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GOVERNOR AND LIEUTENANT :  
GOVERNOR OF PENNSYLVANIA :

PETITION OF MIRIAM G. :  
MATRANGOLA, PETER J. :  
MATRANGOLA and JOHN DeVRIS, :  
ALL OF THE ELECTION DISTRICT : NO. 2022-09188-EL  
OF BIRMINGHAM 1, POLLING PLACE :  
#014, Petitioners : CIVIL ACTION

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GOVERNOR AND LIEUTENANT :  
GOVERNOR OF PENNSYLVANIA :

PETITION OF KATHLEEN PERRI :  
DOBSON, ERIN KERSHAW and MARC :  
ALTMAN, ALL OF THE ELECTION : NO. 2022-09189-EL  
DISTRICT OF BIRMINGHAM 2, :  
POLLING PLACE #015, Petitioners : CIVIL ACTION

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GOVERNOR AND LIEUTENANT :  
GOVERNOR OF PENNSYLVANIA :

PETITION OF MARY MAGUIRE,  
DEBRA SWAVELY and BARBARA  
ANN LAWRIE, ALL OF THE ELECTION : NO. 2022-09190-EL  
DISTRICT OF UPPER UWCHLAN 2, :  
POLLING PLACE #666, Petitioners : CIVIL ACTION

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IN RE: PETITION TO OPEN BALLOT : IN THE COURT OF COMMON PLEAS  
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GOVERNOR AND LIEUTENANT :  
GOVERNOR OF PENNSYLVANIA :

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PETITION OF FRANK C. DiLILLO,  
CHARLES D. SUTTON and GERALD  
SHIELDS, ALL OF THE ELECTION : NO. 2022-09191-EL  
DISTRICT OF WEST GOSHEN S-4, :  
POLLING PLACE #286, Petitioners : CIVIL ACTION

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IN RE: PETITION TO OPEN BALLOT : IN THE COURT OF COMMON PLEAS  
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THE GENERAL ELECTION FOR THE :  
GOVERNOR AND LIEUTENANT :  
GOVERNOR OF PENNSYLVANIA :

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PETITION OF SHANNON GRADY,  
JASON EMERSON and GARY E.  
HEASLEY, ALL OF THE ELECTION : NO. 2022-09192-EL  
DISTRICT OF WEST PIKELAND :  
TOWNSHIP, POLLING PLACE #525, :  
Petitioners : CIVIL ACTION

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IN RE: PETITION TO OPEN BALLOT : IN THE COURT OF COMMON PLEAS  
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GOVERNOR AND LIEUTENANT :  
GOVERNOR OF PENNSYLVANIA :

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PETITION OF HOBART L. CLARK, :  
KATHRYNE S. CLARK and DEIRDRE :  
C. MILLER, ALL OF THE ELECTION : NO. 2022-09193-EL  
DISTRICT OF WILLISTOWN N-1, :  
POLLING PLACE #770, Petitioners : CIVIL ACTION

### **DECISION AND ORDER**

*“Democracy is an unfinished experiment.” – Walt Whitman*

#### **I. PROCEDURAL SETTING:**

On November 18 and 21, 2022, three (3) purported voters from eleven (11) electoral districts in Chester County, Pennsylvania, filed petitions to recount and/or canvass the votes cast in those districts in the November 8, 2022 general election for the offices of Governor, Lieutenant Governor, United States Senator, United States House of Representatives and various Commonwealth legislative offices (the “Petitions”). The Petitions, each filed *pro se*, were typed forms citing as authority for the relief they requested provisions of the Pennsylvania Election Code (the “Election Code”), specifically 25 P.S. §3261. Where necessary, the Petitioners in handwriting “filled in the blanks” left in the Petitions to assert the names of their respective polling places. Each Petition, virtually identical to the other, asserted:

To the best of Petitioners information and belief, fraud or error, although not manifest on the general return of votes, was committed in the computation of the votes cast or in the marking of ballots. . .

(Pet. at ¶5).

The court, pursuant to the Election Code, immediately scheduled a hearing on the Petitions for December 5, 2022 (the “Order”). Further, the court directed the Petitioners to serve the Petitions and the Order on all affected candidates as well as

the County of Chester (“Chester County”) and Chester County Voters Services (“Voter Services”). On November 23, 2022, Voters Services filed Preliminary Objections to the Petitions. On November 28, 2022, counsel for the Petitioners entered his appearance.

That same day, November 28, 2022, the Chester County Board of Elections, acting in accordance with their statutory obligation, certified the vote for each office in the November, 2022 elections to the Secretary of State of the Commonwealth.

On November 30, 2022, Voter Services filed its Memoranda in support of the Preliminary Objections along with Praecipes for Determination to bring the Preliminary Objections before the court for disposition. On December 5, 2022, immediately prior to the scheduled hearing, Petitioners filed their Answer and Brief in Opposition to the Preliminary Objections.

On December 5, 2022, at the scheduled proceeding, the court entertained argument on behalf of Petitioners and Voter Services. At the outset, counsel for the Petitioners acknowledged that they had not yet served any of the affected candidates. A discussion was had regarding how to proceed and the governing statute. The court agreed to consolidate, for purpose of argument and scheduling, the Petitions. See Pa.R.C.P. 213(a). A brief argument ensued on the substance of the Preliminary Objections. The proponents argued that the Petitions fail as a matter of law for failing to comply with the Election Code. The Petitioners argued they were not challenging the election results (i.e. the winner or the loser) but instead wanted to audit the results to confirm they were not fraudulent. The court advised the parties that a decision on proceeding likely would be issued by Friday, December 9, 2022.

This Decision and Order follows.



## II. FACTS:

At the hearing, the legal argument and discussion focused on the specific section of the Election Code pursuant to which Petitioners sought relief. No testimony was taken. Counsel for Petitioners was asked to confirm that Petitioners were proceeding under Section 3261 of the Election Code and therefore were not alleging specific fraud in the counting of votes. Counsel acknowledged that Petitioners were proceeding under Section 3261, even though they claimed to have specific “evidence of fraud,” which they did not wish to plead. Counsel further stated that Petitioners, although believing they had evidence of fraud, would not plead to such so that they could avoid having to file a challenge in every election district where offices were contested.

Petitioners’ counsel also acknowledged that Petitioners were not challenging the election or the election results overall. Petitioners did not allege any sort of massive election fraud or that the election procedures resulted in an illegal election. Petitioners’ counsel boldly asserted without identifying the source of the information that in “recent polls 52% of Americans,” believed that elections were fraudulent. Counsel stated that Petitioners had been asking Voter Services to “audit” the election results and had been “sandbagged”. Based on this speculation, Petitioners sought from the court an order authorizing the opening of the “ballot boxes” in the eleven (11) districts involved to determine whether the fraud and manipulation that Petitioners suspected, or something like it, had occurred.

Based upon their assumptions, Petitioners seek a “hand recount” of the votes ....” (Pets. Proposed Order, at ¶14). Petitioners also seek to appoint, “at least five individuals to perform the recount of ballots and two individuals to oversee the

recount.” (Pets. Proposed Order, at ¶6). Petitioners then seek to “certify to the Court” the results they count. (Pets. Proposed Order, at ¶7). Once the “ballot boxes” are opened, Petitioners then would assert that they were “interested parties” and seek to open all ballot boxes within the Commonwealth in order to conduct a hand recount of all results.

Important to note is that the pleadings reflect that at least four of the Petitioners served as election officials in the very precincts in which they now allege fraud in the counting of votes. As such, each of the identified Petitioners swore an oath and signed that the election would be conducted in accordance with law. At the return of the vote, each signed a “General Return Sheet,” which ensures that the total number of voters and the total number of votes are reconciled. The Return Sheet contains the following statement,

We the Election Officials certify that We have followed all the procedures proscribed by Law.

The four Petitioners who conducted the election in their precinct and who swore that they would uphold the law, who counted and reconciled the votes, and who then swore that they followed all procedures proscribed by law, now claim there was fraud in their precinct. In short, they now claim they themselves acted fraudulently or in error. Aside from the obvious question, “Were you lying then or are you lying now”, it reinvigorates one of the seminal inquires, do you have specific claims of fraud? As counsel for the Petitioners assured the court that they have evidence of fraud, but don’t want to tell us, the court wonders if perhaps it is because his own Petitioners may have acted fraudulently and could be subject to investigation by the District Attorney.

III. ISSUE:

Whether the Petitions should be dismissed or a recanvass ordered?

VI. HOLDING:

The Petitions should be dismissed with prejudice.

V. RATIONALE:

In Pennsylvania, county boards of elections are obligated to certify election results. Certification of election results by a county board of elections is a ministerial act; one which a board of elections is required to perform and has no discretion to refuse. Election districts canvas and count all lawfully cast ballots and send those returns to their corresponding county board of elections. 25 P.S. §3154(f). Boards of elections then convene three (3) days after a general election to compute and canvass the election returns they received from their election districts. 25 P.S. §3154(a). They do so by maintaining all the returns that are entitled to be counted and adding them together. 25 P.S. §3154(f). Once the computation is completed, a board of elections announces unofficial election results. *Id.* Five days later, or once all recounts and recanvasses are completed, the county is required to certify its results. *Id.*; *see also Chapman v. Berks Cnty. Bd. of Elections*, 2022 WL 4100998 (Pa. Cmwlth. Ct. Aug. 19, 2022) ("the county board shall certify the returns so computed in said county in the manner required by the Election Code, unless an appeal or recount requires revision of the returns, which will be revised and then certified") (internal quotations omitted). The certification must take place "no later than the third Monday following" the election. 25 P.S. §2642(k). For the November 8th general election, the deadline for county boards of elections to certify election results was November 28, 2022.



Critical to the election process is this important legal principle: the jurisdiction of the courts in election contests “is not of common law origin but is founded entirely upon statute and cannot be extended beyond the limits defined by the General Assembly.” *Rinaldi v. Ferrett*, 941 A.2d 73, 78 (Pa. Cmwlth. Ct. 2007); *In re: Granting Malt Beverage Licenses*, 331 Pa. 536, 538, 1 A.2d 670, 671 (1938). With respect to judicial proceedings to recount or re-canvass votes cast on such machines based on allegations of fraud or error generally, the Election Code provides, at 25 P.S. § 3261:

(a) Judicial proceedings shall be as follows:

(1) Except as set forth in clause (2), the court of common pleas, or a judge thereof, of the county in which any election district is located, shall make visible the registering counters of the voting machine or machines used in such election district at any primary or election, and without unlocking the machine against voting, shall recanvass the vote cast therein, if three qualified electors of the election district shall file a petition, duly verified by them, alleging that, upon information which they consider reliable, they believe that fraud or error, although not manifest on the general return of votes made therefrom, was committed in the canvassing of the votes cast on such machine or machines. It shall not be necessary for the petitioners to specify in their petition the particular act of fraud or error they believe to have been committed, nor to offer evidence to substantiate the allegations of their petition.

(a.1) Every petition for the recanvassing of votes cast in the voting machine, or voting machines of an election district, under the provisions of this section, shall be filed in the office of the prothonotary of the proper county accompanied by a deposit of cash in the amount of fifty (\$50) dollars, or by a bond signed by the petitioners as principals and by a corporate surety to be approved by the court in the amount of one hundred (\$100) dollars, conditioned upon the payment to the county treasurer for the use of the county of the sum of fifty (\$50) dollars, in the event that upon the recanvassing of the votes cast in a voting machine or voting machines, it does not appear that fraud or substantial error was committed in the canvassing of the votes cast on such machine or otherwise in connection with such voting machines.

....

(b.1) If, upon the recanvassing of the votes in any voting machine, it shall appear that fraud or substantial error was committed in the computation of the votes cast on the voting machine or otherwise in connection with such voting machine, it shall be the duty of the court to certify such fact to the prothonotary, and thereupon the prothonotary shall return to the petitioners the said sum of fifty (\$50) dollars, or if the petitioners shall have filed a bond, in lieu of cash, to mark said bond cancelled and notify the petitioners that he has done so.

(b.2) If, upon the recanvassing of the votes in any voting machine under the provisions of this section, it shall not appear that fraud or substantial error was committed in the computation of the votes cast in the voting machine or otherwise in connection with such voting machine, the persons upon whose petition such voting machine was recanvassed shall forfeit to the county the sum of fifty (\$50) dollars. If said petitioners shall have deposited the said sum in cash with the prothonotary at the time of filing the petition, the prothonotary, upon certification of the court that fraud or substantial error or otherwise in connection with such machine was not discovered, shall pay said sum deposited with him to the county treasurer, and if the petitioners shall have filed with their petition a bond in the sum of one hundred (\$100) dollars, it shall be the duty of the county treasurer forthwith to collect from the principals or surety on said bond the sum of fifty (\$50) dollars and costs of suit, and for this purpose he is hereby authorized to institute any necessary legal proceedings. When so collected, the said sum of fifty (\$50) dollars shall be paid over to the county treasurer.

(c) Voting machines may be recanvassed under the provisions of this section at any time within twenty days after the date of the primary or election at which they were used.

Section 3154 of the Election Code, although not directly relevant to the proceedings now before the court because it applies to petitions submitted to a county board of elections before the computation of all returns for the county is completed, rather than to subsequent judicial proceedings, contains many parallel provisions, some of which offer particular insight into the mechanical aspects of a “recount or recanvass.” See 25 P.S. §3154(e). Section 3154 authorizes the following to be performed on voting machines:

(1) In a county in which an election district uses voting machines, all of the following apply:

(i) The county board shall:

(A) make a record of the number of the seal upon the voting machine and the number on the protective counter or other device;

(B) make visible the registering counters of such machine; and

(C) without unlocking the machine against voting, recanvass the vote cast on the machine.

(ii) If, upon such recanvass, it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the said board, with the assistance of the custodian, in the presence of the election officers and the authorized candidates and representatives, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in returns from such machine. Each counter shall be reset at zero (000) before it is tested, after which it shall be operated at least one hundred times. After the completion of such examination and test, the custodian shall then and there prepare a statement, in writing, giving in detail the result of the examination and test, and such statement shall be witnessed by the persons present, and shall be filed with the said board.

25 P.S. § 3154(e)(1)(i)-(ii).

Thus, under the Election Code, the authorized “recount or recanvass” of votes cast on voting machines, whether done under judicial order (Section 3261 or 3262) or under the purview of the county board of elections (Section 3154), is simply the mechanical process of rerunning the count to determine whether it corresponds to the original “canvass” of the vote reported by the officers of the given electoral district. If the “recount” done on the machine does correspond to the original “canvass” from that district, but there are still discrepancies, for example, between the number of votes

counted and the number of electors who voted, the board of election takes the further steps of unlocking the voting and counting mechanism of the machine and examining and testing it, as described in Section 3154(e)(1)(ii).

But such a “recount or recanvass” is not what Petitioners requested this court to authorize be done. They seek to take advantage of statutory language in order to open the “ballot box” for Petitioners to “audit” the votes. Indeed, they maintained and admitted before the court that such a mechanical “recount or recanvass” would be wholly inadequate to detect or reveal the fraud or error in the election which they assert exist, but failed to allege. Rather, Petitioners claim that because “52% of people (in some poll) believe there is fraud”, there must be. Petitioners have engaged in the logical fallacy of *argumentum ad populum*. Petitioners present their appeal to the court, not on facts or evidence, but by stating that because a certain opinion or attitude is held by a supposed majority, it is therefore correct.

Given that Petitioners (i) say they are not challenging the results of the various elections and (ii) have offered no evidence in their pleadings or at the hearing that voting fraud had been perpetrated in any particular electoral district in Chester County, or indeed anywhere, query then, as the court did, what valid purpose is thus served by the filing of these Petitions pursuant to provisions which are intended for those exact purposes? The answer offered by Petitioners is that they have been “sandbagged” by the Board of Elections, which they claim has not ensured full and fair elections. Petitioners did not specify in what way they had been “sandbagged” nor offer a working definition of the term. Notably, the answer was not that there has been substantial fraud or error in the computation of election results.

Petitioners speculate that they need to look at the machines in order to confirm their beliefs. Based on this speculation, Petitioners seek an order from the court authorizing a hand recount. However, nothing in the Election Code provisions pursuant to which Petitioners brought their Petitions authorize this court to order the hand recounting of votes under the supervision of five of the Petitioners. Further, the Pennsylvania Supreme Court has clarified that the Election Code permits a candidate's authorized representative to be in the room where ballots are being canvassed. There is no provision for general citizenry to attend and supervise a recount. Nor does the Election Code entitle those candidate representatives to be placed close enough so that they may inspect the ballots themselves. See *In re: Canvassing Observation*, 241 A.3d 339 (Pa. 2020); 25 P.S. §3146.8(g)(2). The absence of any right under Pennsylvania law to observe and inspect ballots is not a denial of any right of Petitioners.

As other courts in this Commonwealth have recognized, the Election Code does not authorize the court to grant what is, in essence, a request for a forensic audit of the ballot boxes. Although the courts have been granted limited (not plenary) authority by the Legislature over the election process, the authority to regulate the election process is vested in the Legislature. Because the court's jurisdiction in this area flows from statute rather than common law, it cannot be extended by implication beyond the prescription of the statutory scheme from which it originates. Therefore, this court has no power to go beyond the remedies authorized by the Election Code to grant Petitioners' request to order an audit of Chester County's voting machines.

Further, as discussed *supra*, at least four of the Petitioners served as election officials in the very precinct where they challenge the results based upon alleged



fraud. Clearly, the equitable doctrine of laches must be imposed to prevent an individual petitioner from now asserting fraud after signing and attesting to the legal results. Petitioners cannot “lay by and gamble upon receiving a favorable decision of the electorate and then, upon losing, seek to undo the ballot results in a court action.” *Toney v. White*, 488 F.2d 310 (5<sup>th</sup> Cir. 1973). By first swearing and attesting that the election results were legal and valid, these petitioners must now be estopped from asserting unspecified fraud in the vote tally they certified.

The Election Code requires three (3) qualified electors to file the Petition 25 P.S. §3261(a)(1). Absent the claims of the four Petitioners, the Petitions filed by them are insufficient as a matter of law. Thus, with this exercise of laches, their Petitions must be dismissed. See *In Re: Petition to Open Ballot Box*, C.C.P. Butler County No. 2022-40352 (Yeager, J., 11/22/22)(persuasive authority).

The Election Code contains yet another barrier to Petitioners' contest of the election that they fail to surmount. Section 3263 of the Election Code provides, in part,

(a) (1) Any petition to open a ballot box or to recanvass the votes on a voting machine or an electronic voting system pursuant to sections 1701 and 1702 [25 P.S. §§ 3161-3162] shall be filed no later than five (5) days after the completion of the computational canvassing of all returns of the county by the county board. If any error or fraud is found the court shall grant the interested parties an additional five (5) days to file petitions requesting additional ballot boxes to be opened or voting machines or electronic voting systems to be recanvassed.

(i) Except as set forth in subclause (ii):

(A) a recount or recanvass shall include all election districts in which ballots were cast for the office in question; and

(B) petitions, accompanied by the appropriate money or bond, must be filed in each election district in accordance with this act.

(ii) Subclause (i) shall not apply if a petitioner under section 1701 or 1702 pleads that a particular act of fraud or error occurred and offers *prima facie* evidence supporting the allegation.

25 P.S. § 3263(a).

Under this provision, voters challenging the results of an election without *prima facie* evidence “that a particular act of fraud or error occurred” may not cherry-pick the districts in which they make their challenge. Rather, “a recount or recanvass shall include all election districts in which ballots were cast for the office in question,” 25 P.S. §3263(a)(1)(i)(A), and “petitions, accompanied by the appropriate money or bond, must be filed in each election district . . .”, 25 P.S. §3263(a)(1)(i)(B).

Here, Petitioners failed to offer proof sufficient to make out a *prima facie* case “that a particular act of fraud or error occurred,” as required under 25 P.S. §3263(a)(1)(ii). Just because people believe something, that does not make it true. Consequently, under the Election Code, Petitioners were obliged to bring their election contest in “all election districts in which ballots were cast for the office in question,” 25 P.S. §3263(a)(1)(i)(A), and file a petition, accompanied by the appropriate money or bond, in each such election district, 25 P.S. §3263(a)(1)(i)(B). The elections which Petitioners challenged were statewide races for Governor, Lieutenant Governor, United States Senator, multi-county/election district elections for the House of Representatives, and various other Commonwealth legislative offices. Therefore, Petitioners, without *prima facie* evidence of a particular act of fraud or error, were required to bring their Petitions in each electoral district statewide to get the “recount or recanvass” they sought under the Election Code. They did not do so.

In sum, Petitioners have come before the court and asked that it prove a negative – *i.e.* prove to them that there was no fraud. Petitioners acknowledged in

court that their Petitions offer no evidence or allegations of any specific voting fraud or error having been perpetrated in any district in Chester County (or elsewhere for that matter). Yet, the court was struck by the brazen proffer by Petitioners' counsel that they had specific, factual evidence of fraud or error, but had purposefully chosen not to present those allegations to the court or to the Board of Elections in their Petitions because "they didn't have to." When asked what then would result if the court were to grant the Petitions and yet find no fraud or error, Petitioners stated it would be their intention at that point to divulge the alleged fraud and error. This court is left only to assume such a disclosure then would be made to an appellate court.

In *Pfuhl v. Coppersmith*, a petitioner sought to amend his election contest petition and "speculate[d] that a pervasive recount of all such previously unrecounted boxes would yield proportionate errors, and result in [contestant's] election." 434 Pa. 361, 367-368, 252 A.2d 271, 275 (Pa. 1969). The Supreme Court rejected the petitioner's request, holding "[t]he court will not grope in the dark, or follow a contestant on a fishing expedition, in the hope of being able to find enough to enable him by the investigation to make out his case." *Id.* (citation omitted).

If the Petitioners believe they have specific evidence of fraud and have a meritorious case, they can set the allegations forth and pursue them. But they cannot enlist this court in their quest to conduct a free-wheeling audit of cherry-picked precincts in Chester County. Across this Commonwealth, the Court of Common Pleas is engaged daily in the work of taking testimony, making findings of credibility, determining facts, applying the laws of this Commonwealth to those facts and resolving disputes. It is not a forum for the childhood game of "I know something you don't know." Nor is such gamesmanship the manner in which the practice of law is to

be conducted. The courts are not places where one comes to hedge their bets on an election until they decide they are willing to accept the vote of the electorate. One must ponder whether these Petitioners would have filed if “their preferred candidate”, whoever that may have been, had prevailed. This court will not condone such conduct or nor will the court allow the judicial process to be abused in this manner. This fishing expedition must end here and now. The court will not grant Petitioners their requested relief. The Petitions are dismissed with prejudice.

An appropriate Order follows.

BY THE COURT:

Date: December 9, 2022

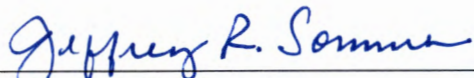
Jeffrey R. Sommer  
Jeffrey R. Sommer, J.

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: NOS. 2022-09182-EL, 2022-09186-EL,  
: 2022-09187-EL, 2022-09188-EL,  
: 2022-09189-EL, 2022-09190-EL,  
: 2022-09191-EL, 2022-09192-EL,  
: 2022-09193-EL, 2022-09194-EL and  
: 2022-09195-EL  
:  
: CIVIL ACTION

**ORDER OF COURT**

AND NOW, this *9<sup>th</sup>* day of December, 2022, upon consideration and review of the Petitions to Open Ballot Box and for Correct Recount Pursuant to 25 P.S. §3261(a), filed in the above-captioned matters and the Responses thereto, and following argument on December 5, 2022, it is hereby ORDERED that the Petitions are DENIED and DISMISSED WITH PREJUDICE.

BY THE COURT:

  
\_\_\_\_\_  
Jeffrey R. Sommer, J.