

IN THE PENNSYLVANIA COMMONWEALTH COURT

DAVE McCORMICK FOR U.S.)	
SENATE, <i>et al.</i> ,)	
)	CASE NO. 286MD2022
Petitioners,)	
)	
v.)	
)	
LEIGH M. CHAPMAN, in her)	
official capacity as Secretary of State)	
for the Commonwealth, <i>et al.</i> ,)	
)	
Respondents.)	

**AMENDED APPLICATION FOR VOLUNTARY
DISCONTINUANCE AS TO
ADAMS COUNTY BOARD OF ELECTIONS,
BEDFORD COUNTY BOARD OF ELECTIONS,
CAMERON COUNTY BOARD OF ELECTIONS,
CLINTON COUNTY BOARD OF ELECTIONS,
CRAWFORD COUNTY BOARD OF ELECTIONS,
ELK COUNTY BOARD OF ELECTIONS,
POTTER COUNTY BOARD OF ELECTIONS,
SULLIVAN COUNTY BOARD OF ELECTIONS,
UNION COUNTY BOARD OF ELECTIONS,
WARREN COUNTY BOARD OF ELECTIONS,
WASHINGTON COUNTY BOARD OF ELECTIONS,
AND WYOMING COUNTY BOARD OF ELECTIONS.**

Pursuant to Pennsylvania Rule of Appellate Procedure 106 and Pennsylvania Rule of Civil Procedure 229(a) and (b)(1), Petitioners Dave McCormick for U.S. Senate and David H. McCormick hereby make this application for voluntary discontinuance as to **Adams County Board of Elections, Bedford County Board of Elections, Cameron County Board of Elections, Clinton County Board of**

Elections, Crawford County Board of Elections, Elk County Board of Elections, Potter County Board of Elections, Sullivan County Board of Elections, Union County Board of Elections, Warren County Board of Elections, Washington County Board of Elections and Wyoming County Board of Elections.¹

Counsel for Petitioners have been informed by either the Solicitors and/or Counsel of Record for Respondents, Adams County Board of Elections, Bedford County Board of Elections, Cameron County Board of Elections, Clinton County Board of Elections, Crawford County Board of Elections, Elk County Board of Elections, Potter County Board of Elections, Sullivan County Board of Elections, Union County Board of Elections, Warren County Board of Elections, Washington County Board of Elections and Wyoming County Board of Elections that their respective Board of Elections either (1) did not receive any non-overseas/non-military absentee/mail-in ballots without a voter-supplied date on the outside envelope, (2) already counted those ballots, or (3) is complying with the instructions provided in the guidance from the Department of State, issued May 24, 2022, to count these ballots. Accordingly, the relief requested by Petitioners is not applicable to these Boards of Elections and they should be dismissed from this action.

¹ Petitioners are amending their May 24, 2022 Application for Voluntary Nonsuit in order to add seven (7) more Respondent County Boards of Elections to the list of Respondents that should be dismissed from this action for the reasons stated above.

Petitioners respectfully submit that the foregoing demonstrates “good cause shown” under Pennsylvania Rule of Civil Procedure 229(a) and (b)(1) so that the Adams County Board of Elections, Bedford County Board of Elections, Cameron County Board of Elections, Clinton County Board of Elections, Crawford County Board of Elections, Elk County Board of Elections, Potter County Board of Elections, Sullivan County Board of Elections, Union County Board of Elections, Warren County Board of Elections, Washington County Board of Elections and Wyoming County Board of Elections should be dismissed from this action.

Respectfully submitted:

Dated: May 26, 2022

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**Motions for admission pro hac vice
forthcoming*

Counsel for Petitioners

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

DAVE McCORMICK FOR U.S. SENATE, and
DAVID H. McCORMICK,

Petitioners,

v.

Case No. 286 MD 2022

LEIGH M. CHAPMAN, in her official capacity
as Secretary of State for the Commonwealth,
ADAMS COUNTY BOARD OF ELECTIONS,
ALLEGHENY COUNTY BOARD OF ELECTIONS,
BEAVER COUNTY BOARD OF ELECTIONS,
BEDFORD COUNTY BOARD OF ELECTIONS,
BERKS COUNTY BOARD OF ELECTIONS,
BLAIR COUNTY BOARD OF ELECTIONS,
BRADFORD COUNTY BOARD OF ELECTIONS,
BUCKS COUNTY BOARD OF ELECTIONS,
BUTLER COUNTY BOARD OF ELECTIONS,
CAMBRIA COUNTY BOARD OF ELECTIONS,
CAMERON COUNTY BOARD OF ELECTIONS,
CARBON COUNTY BOARD OF ELECTIONS,
CENTRE COUNTY BOARD OF ELECTIONS,
CHESTER COUNTY BOARD OF ELECTIONS,
CLARION COUNTY BOARD OF ELECTIONS,
CLEARFIELD COUNTY BOARD OF ELECTIONS,
CLINTON COUNTY BOARD OF ELECTIONS,
COLUMBIA COUNTY BOARD OF ELECTIONS,
CRAWFORD COUNTY BOARD OF ELECTIONS,
CUMBERLAND COUNTY BOARD OF ELECTIONS,
DAUPHIN COUNTY BOARD OF ELECTIONS,
DELAWARE COUNTY BOARD OF ELECTIONS,
ELK COUNTY BOARD OF ELECTIONS,
FAYETTE COUNTY BOARD OF ELECTIONS,
FOREST COUNTY BOARD OF ELECTIONS,
FRANKLIN COUNTY BOARD OF ELECTIONS,
FULTON COUNTY BOARD OF ELECTIONS,
HUNTINGDON COUNTY BOARD OF ELECTIONS,
INDIANA COUNTY BOARD OF ELECTIONS,

JEFFERSON COUNTY BOARD OF ELECTIONS,
JUNIATA COUNTY BOARD OF ELECTIONS,
LACKAWANNA COUNTY BOARD OF ELECTIONS,
LANCASTER COUNTY BOARD OF ELECTIONS,
LAWRENCE COUNTY BOARD OF ELECTIONS,
LEBANON COUNTY BOARD OF ELECTIONS,
LEHIGH COUNTY BOARD OF ELECTIONS,
LUZERNE COUNTY BOARD OF ELECTIONS,
LYCOMING COUNTY BOARD OF ELECTIONS,
MCKEAN COUNTY BOARD OF ELECTIONS,
MERCER COUNTY BOARD OF ELECTIONS,
MIFFLIN COUNTY BOARD OF ELECTIONS,
MONROE COUNTY BOARD OF ELECTIONS,
MONTGOMERY COUNTY BOARD OF ELECTIONS,
MONTOUR COUNTY BOARD OF ELECTIONS,
NORTHAMPTON COUNTY BOARD OF ELECTIONS,
NORTHUMBERLAND COUNTY BOARD OF ELECTIONS,
PERRY COUNTY BOARD OF ELECTIONS,
PIKE COUNTY BOARD OF ELECTIONS,
POTTER COUNTY BOARD OF ELECTIONS,
SNYDER COUNTY BOARD OF ELECTIONS,
SOMERSET COUNTY BOARD OF ELECTIONS,
SULLIVAN COUNTY BOARD OF ELECTIONS,
TIOGA COUNTY BOARD OF ELECTIONS,
UNION COUNTY BOARD OF ELECTIONS,
VENANGO COUNTY BOARD OF ELECTIONS,
WARREN COUNTY BOARD OF ELECTIONS,
WASHINGTON COUNTY BOARD OF ELECTIONS,
WAYNE COUNTY BOARD OF ELECTIONS,
WESTMORELAND COUNTY BOARD OF ELECTIONS,
and WYOMING COUNTY BOARD OF ELECTIONS,

Respondents.

_____ /

[PROPOSED] ORDER

And now, to wit, this _____ day of May, 2022, upon consideration of
Petitioners' Amended Application for Voluntary Discontinuance as to Respondents,

Adams County Board of Elections, Bedford County Board of Elections, Cameron County Board of Elections, Clinton County Board of Elections, Crawford County Board of Elections, Elk County Board of Elections, Potter County Board of Elections, Sullivan County Board of Elections, Union County Board of Elections, Warren County Board of Elections, Washington County Board of Elections and Wyoming County Board of Elections, and finding that good cause exists for the same, it is hereby ORDERED that the Amended Application for Voluntary Discontinuance is GRANTED.

Accordingly, Respondents Adams County Board of Elections, Bedford County Board of Elections, Cameron County Board of Elections, Clinton County Board of Elections, Crawford County Board of Elections, Elk County Board of Elections, Potter County Board of Elections, Sullivan County Board of Elections, Union County Board of Elections, Warren County Board of Elections, Washington County Board of Elections and Wyoming County Board of Elections are HEREBY DISMISSED from this action.

By the Court

_____ J.