



Commonwealth Judge Halts Certification of Pennsylvania General Election Results; Commonwealth Appeals

November 25, 2020 | For Immediate Release

PITTSBURGH—In response to an application for emergency injunctive relief filed on Saturday, November 21, 2020 by a group of Pennsylvania citizens, including both candidates for public office and registered voters, challenging the constitutionality of the unprecedented overhaul to the Commonwealth’s election and voting procedures as set forth by Act 77 and Act 12, the Court today issued temporary relief.

Gregory Teufel, lead counsel for Petitioners, issued the following statement:

We commend the Commonwealth Court and Judge Patricia McCullough for today’s Order granting emergency relief, enjoining the Commonwealth, Governor and Secretary of the Commonwealth from taking any further steps to complete certification of the results of the November 3rd General Election until the Court has the opportunity to consider granting further relief from unconstitutional universal mail in balloting. We look forward to the evidentiary hearing on Friday.

Immediately after the Judge’s Order was entered today, the Pennsylvania Attorney General tweeted that his office would be appealing the Court’s Order, which Order served only to halt ongoing certification procedures, temporarily preventing the Commonwealth of Pennsylvania, the Governor, and the Secretary of State from taking any further actions regarding certification of the Election results until the Court could hold an evidentiary hearing scheduled for Friday, November 27, 2020.

Subsequently, Respondents did file a notice of appeal, seeking to have the Pennsylvania Supreme Court review and overturn the Commonwealth Court’s injunction. The Petitioners have until Friday, November 27, 2020 at 3:00 p.m. to respond to the Respondents’ notice of appeal.

The original case is Kelly, Mike, et al. v. Cmwlth et al. (620 MD 2020). The PA Supreme Court docket number is 68 MAP 2020.

For media inquiries, please email PAMedia@protonmail.com.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

The Honorable Mike Kelly, Sean	:	
Parnell, Thomas A. Frank, Nancy	:	
Kierzek, Derek Magee, Robin	:	
Sauter, Michael Kincaid, and Wanda	:	
Logan,	:	
Petitioners	:	
	:	
v.	:	No. 620 M.D. 2020
	:	
Commonwealth of Pennsylvania,	:	
Pennsylvania General Assembly,	:	
Honorable Thomas W. Wolf,	:	
Kathy Boockvar,	:	
Respondents	:	

ORDER

NOW, November 25, 2020, upon consideration of Petitioners’ Motion for Emergency/Special Prohibitory Injunction (Emergency Motion), the subsequent filings by the parties, and the new allegations raised in Petitioners’ Supplemental Application for Emergency Relief filed at 11:42 p.m. on November 24, 2020 (Supplemental Emergency Application), it is hereby preliminarily ordered and decreed as follows:

1. As to the Supplemental Emergency Application, to the extent that there remains any further action to perfect the certification of the results of the 2020 General Election (the “Election”) for the offices of President and Vice President of the United States of America, Respondents are preliminarily enjoined from doing so, pending an evidentiary hearing to be held on **Friday, November 27, 2020 at 11:30 am via WebEx.**

2. As to the Emergency Motion, filed on November 22, 2020, inasmuch as Respondents, based on their Press Release and briefs, have not undertaken certification of any of the other results of the Election, Respondents are preliminarily enjoined from certifying the remaining results of the Election, pending the evidentiary hearing on **Friday, November 27, 2020 at 11:30 am via WebEx.**

3. Respondents shall file and serve an Answer and Memorandum of Law in opposition to the Supplemental Emergency Application by 3:00 p.m. TODAY, November 25, 2020.
4. A scheduling order concerning the evidentiary hearing will follow.

/s/ Patricia A. McCullough
PATRICIA A. McCULLOUGH, Judge