

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY,  
PENNSYLVANIA

DONALD J. TRUMP FOR PRESIDENT CIVIL DIVISION  
2024 INC., ET AL.,

Plaintiffs,

No. 2024-06880

v.

BUCKS COUNTY BOARD OF  
ELECTION, ET AL.,

Defendants.

**RULE TO SHOW CAUSE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, upon consideration of the foregoing **Emergency** Petition for a Special and Permanent Injunction, it is hereby **ORDERED** that defendants show cause before this Court on the \_\_\_\_ day of 2024, at \_\_\_\_\_ in Courtroom \_\_\_\_\_, or as soon thereafter as counsel can be heard why a Special and Preliminary Injunction providing the relief sought in the accompanying Petition should not be entered; and

**IT IS FURTHER ORDERED** that respondents/defendants and anyone acting on their behalf are enjoined and precluded from refusing, prohibiting, or denying any registered and qualified elector from requesting, receiving, voting, and submitting a mailed-in or absentee ballot until further order of the Court.

BY THE COURT:

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IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY,  
PENNSYLVANIA

DONALD J. TRUMP FOR PRESIDENT CIVIL DIVISION  
2024 INC., ET AL.,

Plaintiffs,

No. 2024-06880

v.

BUCKS COUNTY BOARD OF  
ELECTION, ET. AL.,

Defendants.

**ORDER FOR SPECIAL AND PRELIMINARY INJUNCTION**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 2024, upon consideration of the  
Petition for an Emergency Special and Preliminary Injunction of Plaintiffs, Verified  
Complaint, and Supporting Memorandum of Law and after a hearing held on  
\_\_\_\_\_, the Court it is hereby **ORDERED AND DECREED** as follows:

- a) Defendants actions in turning away voters who sought to apply for a  
mail-in ballot and receive one in person before the deadline of 5:00 p.m.  
on October 29, 2024 violated the Pennsylvania Election Code,
- b) Defendants shall permit any persons who wishes to apply for, receive,  
vote, and return a mail-in ballot to appear at the Elections Bureau office  
and do so during normal business hours before the close of business on  
October 30, 2024.

BY THE COURT:

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY,  
PENNSYLVANIA

DONALD J. TRUMP FOR PRESIDENT CIVIL DIVISION  
2004 INC., ET AL.,

Plaintiffs,

No. 2024-06880

v.

BUCKS COUNTY BOARD OF  
ELECTION, ET AL.,

Defendants.

**EMERGENCY PETITION FOR A  
SPECIAL AND PRELIMINARY INJUNCTION**

Under Pennsylvania Rule of Civil Procedure 1531(a), this Court is empowered to issue a special injunction without a hearing to prevent immediate and irreparable harm. This is a textbook case of a matter requiring a special injunction. Plaintiffs bring this emergency petition for a special and preliminary injunction to prevent widespread disenfranchisement and immediate irreparable harm to the statutory right to vote on-demand.

In Pennsylvania, any qualified elector is permitted to request and cast a mail-in ballot without having to provide a reason for doing so. See 25 P.S. §§ 3150.11-3150.17. Qualified electors can go in person to their local election office and request, receive, vote, and submit a mail-in ballot (the "On Demand Mail-in-Ballot Voting"). Pennsylvania Department of State, On-Demand Mail Ballot Voting, <https://www.pa.gov/en/agencies/vote/voter-support/mail-in-and-absentee-ballot/mail>

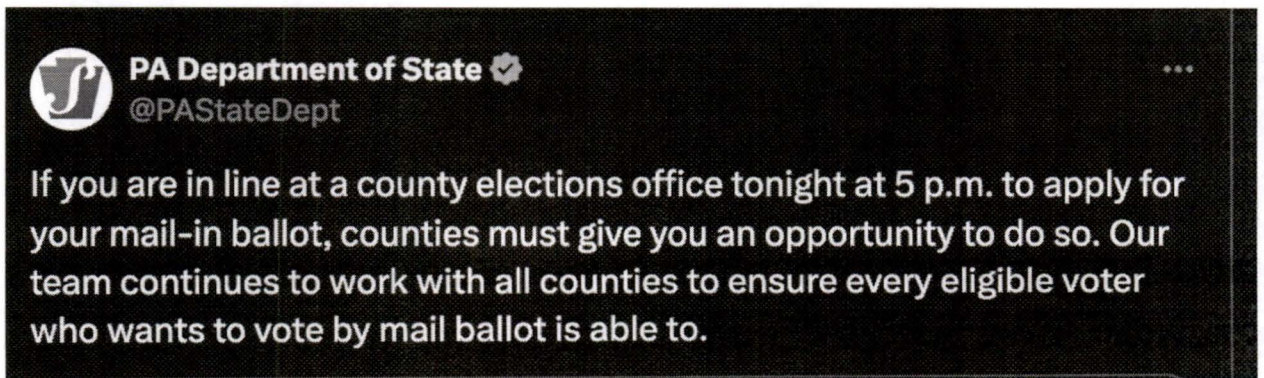
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[ballot-before-election-day.html](#). (“If you are a registered Pennsylvania voter, you have the convenient option of applying for a mail ballot in person at their county elections office, then completing the ballot while there. In one visit, voters can apply for and submit their mail ballot.”)

The deadline for voters to apply for an absentee ballot or a mail-in ballot is “five o’clock P.M. [on] the first Tuesday prior to the day of any primary or election.” 25 P.S. §§ 3146.2a(a)3150.12a(a). For purposes of the upcoming November 5, 2024, General Election, the last day to apply for a mail-in-ballot was 5:00 p.m. on October 29, 2024. (the “Application Date”). On October 29, 2024, the Secretary of the Commonwealth informed voters on October 29, 2024, of their right to travel to their county election bureau and request and receive a mail-in ballot. PA Department of State (@PAStateDept), X (Oct. 29, 2024, 1:26 P.M.) <https://x.com/PAStateDept/status/1851314765533970938>. Secretary Schmidt expressly advised voters that those who were in line by 5:00 p.m. on October 29, 2024, should be permitted to apply for and receive a mail-in ballot, yet this is not what happened in Bucks County.



*Id.*

Despite this clear statutory right and pronouncement from the Secretary of the Commonwealth, Defendants denied an untold number of qualified electors the ability to their statutorily guaranteed right to On Demand Mail-In Voting. Indeed, the Defendants **ordered** persons who were waiting to apply for, receive and vote a mail-in ballot removed from the premises, without allowing Ms. Sinclair and others the opportunity to even submit her application. See Declarations voters, attached hereto as Exhibit A; Linda Stein, *Bucks County Early Voters Turned Away; Fitzpatrick Demands Action*, Delaware Valley Journal, (October 29, 2024) <https://delawarevalleyjournal.com/fitzpatrick-republican-legislators-send-stern-letter-to-bucks-co-commissioners/>; Mike Catalini, *A clumsy early voting option has backed up election offices in Pennsylvania and frustrated voters*, Associated Press, (October 29, 2024), <https://apnews.com/article/pennsylvania-early-voting-problems-bucks-county-bdc20bfb2c82e29d8698c1a22feb0eae>.<sup>1</sup> In doing so the Defendants acted in derogation of its obligations under the Election Code to process mail in ballot applications and in direct contravention of the statement of the October 29, 2024, statement of the Secretary of the Commonwealth. **Worse, Defendants had security officials to remove voters who had been in line prior to 5:00 p.m., some of whom had been standing in line for hours only to be turned away.** Colin Rugg (@CollinRugg), X (October 29, 2024, 6:41 p.m.) <https://x.com/CollinRugg/status/1851393891632607574>

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<sup>1</sup> Under Rule 1531(a), “in determining whether a preliminary or special injunction should be granted and whether notice or hearing should be required, the court may act on the averments of the pleadings or petition and may consider affidavits of third persons or any other proof which the court may require.”



Immediate action by this Court is needed to prevent immediate and irreparable harm to plaintiffs and to prevent widespread disenfranchisement.

1. Petitioners incorporate their verified complaint by reference.

2. A special and preliminary injunction is necessary to prevent the defendants from violating the Election Code and denying qualified electors the right to On-Demand Mail-in Voting.

3. A special and preliminary injunction is further necessary to protect the rights of qualified who, through no fault of their own, went to an election office during posted operating hours by 5:00 p.m., Tuesday, October 29, 2024, to exercise their right to On-Demand Mail-in Voting and were told they could not exercise that right and were turned away.

4. The five elements for the issuance of a preliminary injunction are (1) the injunction is necessary to prevent immediate and irreparable harm, which cannot be compensated by damages; (2) greater injury would result by refusing it than by granting it; (3) an injunction will restore the parties to the status quo as it existed immediately before the alleged wrongful conduct; (4) the alleged wrong is manifest, and the injunction is reasonably suited to abate it; and (5) the plaintiff's right to relief is clear. *Kierski v. Twp. of Robinson*, 810 A.2d 196, 198 (Pa.Cmwlth. 2002).

5. Each of these five elements exists here.

6. First, plaintiffs will suffer immediate and irreparable harm because "the right to vote, in Pennsylvania, as vested in eligible, qualified voters, is a fundamental one." *Applewhite v. Com.*, 617 Pa. 563, 566, 54 A.3d 1, 3 (2012). Moreover, "a as the

unlawful action by the Election Board per se constitutes immediate and irreparable harm.” *Hempfield Sch. Dist. v. Election Bd. of Lancaster Cnty.*, 574 A.2d 1190, 1193 (Pa. Commw. Ct. 1990). *See also, Shaeffer v. City of Lancaster*, 754 A.2d 719, 723 (Pa. Commw. Ct. 2000) (“Statutory violations are sufficiently injurious to constitute irreparable harm.”)

7. Second, greater injury will result if the injunction is not entered than if it is granted.

8. Third, the injunction will maintain the status quo because it will assure that the defendants comply with the Election Code and will assure those who relied upon representations that if they were in line by 5:00 p.m. on Tuesday, October 29, 2024, they would be permitted to exercise their right to On-Demand Mailed-in Voting.

9. Fourth, the requested injunction is limited to abate the harm.

10. Upon information and belief other counties, including Philadelphia and Lehigh Counties, have extended the On-Demand Mailed-in Voting deadline.

11. Fifth, plaintiffs’ right to relief is clear.

#### **PRAYER FOR RELIEF**

Petitioners respectfully request that this Honorable Court grant them the following relief:

- a) Declare that the Bucks County’s actions in turning away voters who sought to apply for a mail-in ballot and receive one in person before the deadline of 5:00 p.m. on October 29, 2024 violated the Pennsylvania Election Code,

- b) Order the Bucks' County Board of Elections to permit any persons who wish to apply for and receive a mail-in ballot to appear at the Elections Bureau office and do so during normal business hours before the close of business on October 30, 2024.

Dated: October 30, 2024

Respectfully submitted,

  
*/s/ Walter S. Zimolong*

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*Attorney for Friends of Dave McCormick and David McCormick*



**CERTIFICATE OF COMPLIANCE  
WITH PUBLIC ACCESS POLICY**

I certify that this filing complies with the provisions of the *Public Access Policy of the United Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: October 30, 2024

Respectfully submitted,

  
/s/ Walter S. Zimolong

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**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Walter S. Zimolong

Signature: Walter Zimolong

Name: Walter S. Zimolong

Attorney No. (if applicable): 89151

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## DECLARATION

I, Terrence McDonald, am an adult individual of sound mind and aver as follows:

1. I am a registered and qualified elector residing in Bucks County, Pennsylvania.

2. On October 29th, 2024, at approximately 3 : 25 a.m./p.m., I arrived at the Lower Bucks Government Service Center/ Upper Bucks Government Service Center/ County Administration Building, to request, receive, vote, and submit a mailed-in ballot.

3. I was told by county officials I would not be able to request, receive, vote, and submit a mailed-in ballot and that I would have to return on a different day.

The facts above are true and correct to the best of my knowledge and belief are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)

Date: 10/29/24



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## DECLARATION

I, Joseph Pontarelli, am an adult individual of sound mind and aver as follows:

1. I am a registered and qualified elector residing in Bucks County, Pennsylvania.
2. On October 29, 2024, at approximately 2:45 p.m., I arrived at the Upper Bucks Government Service Center to request, receive, vote, and submit a mailed-in ballot.
3. I was told by county officials I would not be able to request, receive, vote, and submit a mailed-in ballot and that I would have to return on a different day.

The facts above are true and correct to the best of my knowledge and belief are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)

Date: October 29, 2024

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*Joseph M Pontarelli*

DECLARATION

I, William Kule, am an adult individual of sound mind and  
aver as follows:

1. I am a registered and qualified elector residing in Bucks County,  
Pennsylvania.

2. On October 29, 2024, at approximately 2:40 a.m./p.m., I  
arrived at the Lower Bucks Government Service Center/ Upper Bucks Government  
Service Center/ County Administration Building, to request, receive, vote, and submit a  
mailed-in ballot.

3. I was told by county officials I would not be able to request, receive, vote,  
and submit a mailed-in ballot and that I would have to return on a different day.

The facts above are true and correct to the best of my knowledge and belief are  
made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to  
authorities)

Date: 10/29/24  
William Kule

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