

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY,  
PENNSYLVANIA**

**FILED**

**DEMOCRATIC NATIONAL COMMITTEE and  
PENNSYLVANIA DEMOCRATIC PARTY,  
Plaintiffs**

**vs.**

**NORTHAMPTON COUNTY BOARD OF  
ELECTIONS,**

**Defendant**

NO.

2024 NOV -5 P 7:13

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NORTHAMPTON COUNTY, PA

C-48-CV-2024-10798

**PETITION TO EXTEND CLOSING OF POLLS IN  
NORTHAMPTON COUNTY BETHLEHEM WARD NO. 3**

Plaintiffs, Democratic National Committee and Pennsylvania Democratic Party, hereby file this Petition for Emergency Relief against the Northampton County Board of Elections and aver as follows:

1. The Democratic National Committee ("DNC") is a national political party that supports candidates running for national, local, and state offices.
2. The Pennsylvania Democratic Party ("PDP") is a political party dedicated to improving the lives of the citizens of Pennsylvania by working to elect individuals who share its values.
3. Defendant, the Northampton County Board of Elections, is duly authorized by 25 Pa. C.S. § 2641(a) to have jurisdiction over the conduct of primary and general elections in Northampton County.
4. This Court has jurisdiction and venue over this action because Northampton County is the county in which the cause of action arose.

5. On November 5, 2024, the Commonwealth of Pennsylvania is holding its General Election.

6. The General Election provides registered voters in all Pennsylvania counties the opportunity to vote for candidates for certain federal offices.

7. All qualified electors, as provided for in 25 P.S. § 1301(a), shall be entitled to vote in all elections including the General Election being held today.

8. The Northampton County Board of Elections has failed to provide sufficient voting machines and personnel to accommodate the citizens and electors of Bethlehem Ward No. 3 such that lines as long as three and a half to four hours have developed, and efforts to reduce waiting times have proven inadequate to protect the rights of the registered electors in Bethlehem Ward No. 3 as afforded to them by the Election Code and the Constitution of the Commonwealth of Pennsylvania. Long wait times resulting from inadequate equipment and personnel have caused electors to potentially be unable to vote within the time for opening and closing of polls as designated by the Election Code, 25 Pa. C.S.A. § 3045, closing time being 8:00 P.M.

9. The Court of Common Pleas of Northampton County, pursuant to the Election Code, 25 Pa. C.S.A. § 3046, has the jurisdiction to settle controversies that may arise with respect to the conduct of an election should an issue arise, and if necessary to enforce and secure compliance with the election laws and decide such other matters pertaining to the election as may be necessary to carry out the intent of the Election Code. Petitioners aver that it is necessary to extend the hours at which Bethlehem Ward No. 3 polling place be open to provide for a

closing time at 10:00 P.M. to accommodate the voters and assure the electors their statutory and constitutional right to vote.

10. As a result of the failure to provide adequate equipment and personnel, there has caused to be immediate and irreparable injury and actual damages to which Petitioners have no adequate remedy at law. Without redress by the Court, Petitioners will be deprived of a lawful, full, and fair election. Immediate and effective relief is essential to ensure that the General Election currently in progress is fairly conducted pursuant to the laws cited above.

11. Denying relief would inflict greater injury on Plaintiffs than granting the requested relief would inflict on Defendant.

12. Issuance of an order granting emergency relief to Petitioner will not substantially harm Defendant.

13. An Order granting emergency relief will properly restore the parties to their status as it existed prior to the conduct described herein.

14. The public interest weighs heavily in favor of entry of an Order granting emergency relief designed to protect the right to a full and fair General Election.

15. The relief Plaintiffs seek is reasonably suited to abate the offending activity.

16. Plaintiffs have no reason to believe that election integrity and the rights of the electors in Northampton County Bethlehem Ward No. 3 will be protected unless the sought after relief is granted.

WHEREFORE, Petitioners request that your Honorable Court enter an Order granting emergency relief in Plaintiffs' favor and against Defendant ordering the Northampton County Board of Elections to extend the voting hours in Northampton County Bethlehem Ward No. 3 to 10:00 P.M., Eastern Standard Time, at which time they shall be closed and afford the right of all voters who are in line at that time the opportunity to cast a ballot.

Respectfully submitted,



**GARY NEIL ASTEAK, ESQUIRE**

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**Easton, PA 18042**

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**Attorney for Plaintiffs**

**VERIFICATION**

I, Joseph Kelly, hereby state that I am authorized to do and make this Verification on Plaintiffs' behalf and that the facts above as set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: November 5, 2024

  
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**JOSEPH KELLY**

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