

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

ROBERT ROSSMAN, in his : No. 516 M.D. 2024
official capacity as member of :
the Potter County Board of :
Elections, :

Petitioner, :

v. :

DEPARTMENT OF STATE OF :
THE COMMONWEALTH OF :
PENNSYLVANIA, and AL :
SCHMIDT, in his official :
capacity as Secretary of the :
Commonwealth, :

Respondents. :

**PETITIONER’S ANSWER TO RESPONDENTS’
PRELIMINARY OBJECTIONS**

Petitioner Robert Rossman, in his official capacity as a member of the Potter County Board of Elections, by and through his undersigned counsel, submits this Answer to the Preliminary Objections of Respondents Department of State of the Commonwealth of Pennsylvania and Al Schmidt in his official capacity as the Secretary of the Commonwealth, and in support alleges as follows:

BACKGROUND

1. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

2. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

3. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

4. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

5. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

6. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

7. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

8. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

9. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

10. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

11. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

12. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

13. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

14. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

15. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

16. Admitted in part and denied in part. It is admitted that the SURE system allows county officials to designate the status of a voter registration application and that, among the different options which may be selected are “approved,” “declined,” and “pending.” The remaining averments of this paragraph, including any characterization of the “pending” designation and the manner in which such designation is used, are denied.

17. Admitted.

18. Denied. The averments in this paragraph refer to a document entitled “Directive Concerning HAVA-Matching Drivers’

Licenses of Social Security Numbers for Voter Registration

Applications” (Directive), which is a written document the content of which speaks for itself. Any characterization of the Directive is denied.

19. Denied. The averments in this paragraph refer to the Directive, which is a written document the content of which speaks for itself. Any characterization of the Directive is denied.

20. Denied. The averments in this paragraph are conclusions of law to which no response is required. Moreover, the averments in this paragraph refer to the Directive, which is a written document the content of which speaks for itself. Any characterization of the Directive is denied.

21. Admitted.

22. Admitted.

23. Admitted.

24. Admitted.

25. Admitted.

26. The averments in this paragraph incorporate by reference the averments in the preceding paragraphs, and therefore no response is required.

27. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

28. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

FIRST PRELIMINARY OBJECTION - STANDING

29. The averments in this paragraph incorporate by reference the averments in the preceding paragraphs, and therefore no response is required.

30. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

31. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

32. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

33. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

34. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

35. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

36. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

37. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

38. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

39. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

40. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

41. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

WHEREFORE, Petitioner respectfully requests that this Court overrule Respondents' Preliminary Objection to the Petition for Review.

SECOND PRELIMINARY OBJECTION - DEMURRER

42. The averments in this paragraph incorporate by reference the averments in the preceding paragraphs, and therefore no response is required.

43. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

44. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

45. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

46. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

47. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

48. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

49. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

50. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

51. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

52. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

53. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

54. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

55. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

56. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

57. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

58. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

WHEREFORE, Petitioner respectfully requests that this Court overrule Respondents' Preliminary Objection to the Petition for Review.

CONCLUSION

59. Denied. The averments in this paragraph are conclusions of law to which no response is required. To the extent a response is deemed required, Petitioners deny the averments in this paragraph.

WHEREFORE, Petitioner respectfully requests that this Court overrule Respondents' Preliminary Objections to the Petition for Review.

Respectfully submitted,

Dated: February 21, 2025

/s/ Shohin H. Vance

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