

IN THE
SUPREME COURT OF THE UNITED STATES

JIM BOGNET, ET AL.,

Petitioners,

v.

KATHY BOOCKVAR, SECRETARY OF THE COMMONWEALTH OF
PENNSYLVANIA, ET AL.,

Respondents.

On Petition for Writ of Certiorari to the United States
Court of Appeals for the Third Circuit

BRIEF OF RESPONDENTS ARMSTRONG, BEDFORD, BLAIR, CENTRE,
COLUMBIA, DAUPHIN, FAYETTE, HUNTINGDON, INDIANA,
LACKAWANNA, LAWRENCE, MONTOUR, NORTHUMBERLAND,
VENANGO AND YORK COUNTY BOARDS OF ELECTIONS IN
OPPOSITION

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and York County Boards of Elections*

INTRODUCTION

Pennsylvania's voter registration statistics reflect an electorate that spans the political spectrum. Although Respondent County Boards of Elections and their county election officials vary in their personal political views, they are firmly united in a common purpose: to support every eligible voter's constitutional right to vote.

Each election voters entrust Respondents with safeguarding their constitutional right to vote, and taxpayers entrust Respondents with carefully spending their tax dollars to properly conduct that election. Conducting the 2020 General Election in the middle of a global pandemic required extraordinary efforts by Respondents. Unfortunately, in the midst of conducting this election, Respondents were saddled with the additional burden of defending multiple unfounded lawsuits challenging the election process. Respondents overcame this unnecessary diversion of resources to conduct a secure and transparent election.

Respondents initially waived their right to respond to this petition in the interest of carefully stewarding their limited resources. As this Court entered an order on January 13, 2021 requiring a response, Respondents present the following brief arguments in opposition.

The 2020 General Election is now over. The results are certified. All elected officials who prevailed in the 2020 General Election are sworn in. The new President has been inaugurated. The meritless litigation against Respondents related to the Pennsylvania election has dwindled to the dregs of this moot case. Respondents

respectfully request that this Court finally end the litigation related to the 2020 General Election in Pennsylvania by denying this petition.

ARGUMENT

Not every aspiring litigant is entitled to review by this Honorable Court. Article III of the United States Constitution requires that an actual case or controversy exist for a litigant to seek relief from the federal court system, including this Court. No case or controversy exists here, because Petitioners lack standing and their case is no longer ripe. Absent these two necessary prerequisites to demonstrate that a case or controversy exists sufficient to grant them a right to review by this Court, Petitioners are not entitled to proceed.

In further support of this Opposition, Respondent County Boards of Elections adopt the reasoning of the Third Circuit Court of Appeals on all issues that support denial, as well as the arguments made in all respondent briefs advocating for denial of this petition.

CONCLUSION

For the foregoing reasons, Respondent Armstrong, Bedford, Blair, Centre, Columbia, Dauphin, Fayette, Huntingdon, Indiana, Lackawanna, Lawrence, Montour, Northumberland, Venango and York County Boards of Elections respectfully request that this Petition be denied.

Respectfully submitted,

/s/ Molly E. Meacham

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