

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Procedures for Appeals to the :
Commonwealth Court from Orders or :
Decisions of County Boards of Elections :
Following the Automatic Recount and :
Recanvass for the Office of United :
States Senator : No. 126 Misc. Docket No. 3

ADMINISTRATIVE ORDER

AND NOW, this 15th day of November, 2024, in light of the Secretary of the Commonwealth's Order to the county boards of elections to recount and recanvass the returns of the General Election held on November 5, 2024, for the Office of United States Senator pursuant to Section 1404(g) of the Pennsylvania Election Code (Election Code),¹ 25 P.S. § 3154(g), the Court **ORDERS** as follows:

1. Any appeal of the recount or recanvass governed by Section 1407 of the Election Code, 25 P.S. § 3157, shall be filed with the Commonwealth Court's Prothonotary in Harrisburg, Pennsylvania, and shall be accompanied by the Court's filing fee in the amount of \$70.25.²

2. The two-day time period provided for an appeal of the recount or recanvass in Section 1407(a) of the Election Code, 25 P.S. § 3157(a), shall commence the day after the conclusion of the recount and recanvass in the county from which the appeal arises.³

3. Consistent with Section 1407(a) of the Election Code, 25 P.S. § 3157(a), the appeal of the recount or recanvass shall set forth the nature of the injustice done and the nature of the relief requested, and shall state in consecutively numbered paragraphs:

¹ Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2600-3591.

² Although Section 1407 of the Election Code characterizes a challenge to an order or decision of a county board of elections regarding a recount or recanvass of returns as an "appeal," the action shall be docketed in this Court's original jurisdiction as a petition for review.

³ Section 1407(a) of the Election Code provides that the two-day appeal period begins to run when the recount order or decision is made, regardless of whether the decision is reduced to writing or not.

- a. the name of the party seeking to appeal;
- b. the county board of elections that entered the order or decision appealed;
- c. the specific order or decision by the county board of elections that is alleged to be in error;
- d. the specific grounds on which the order or decision is alleged to be in error; and
- e. a short statement of the relief sought.

4. The appellant shall, concurrently with the filing of the appeal, serve the appeal on all persons and entities specified to receive notice under Section 1407(a) of the Election Code, 25 P.S. § 3157(a), and file a proof of service in accordance with Pa.R.A.P. 122.

5. The Prothonotary shall serve a copy of this Order on the Secretary of the Commonwealth who shall forthwith serve it upon the county boards of elections.

By the Court:



RENÉE COHN JUBELIRER, President Judge

Order Exit
11/15/2024