

Supreme Court of the United States

No. 20A84

REPUBLICAN PARTY OF PENNSYLVANIA,

Applicant

v.

KATHY BOOCKVAR, SECRETARY OF PENNSYLVANIA, ET AL.

ORDER

All county boards of election are hereby ordered, pending further order of the Court, to comply with the following guidance provided by the Secretary of the Commonwealth on October 28 and November 1, namely, (1) that all ballots received by mail after 8:00 p.m. on November 3 be segregated and kept “in a secure, safe and sealed container separate from other voted ballots,” and (2) that all such ballots, if counted, be counted separately. Pa. Dep’t of State, *Pennsylvania Guidance for Mail-in and Absentee Ballots Received From the United States Postal Service After 8:00 p.m. on Tuesday, November 3, 2020* (Oct. 28, 2020); Pa. Dep’t of State, *Canvassing Segregated Mail-in and Civilian Absentee Ballots Received by Mail After 8:00 p.m. on Tuesday, November 3, 2020 and Before 5:00 p.m. on Friday, November 6, 2020* (Nov. 1, 2020). Until today, this Court was not informed that the guidance issued on October 28, which had an important bearing on the question whether to order special treatment of the ballots in question, had been

modified. The application received today also informs the Court that neither the applicant nor the Secretary has been able to verify that all boards are complying with the Secretary's guidance, which, it is alleged, is not legally binding on them.

I am immediately referring this application to the Conference and direct that any response be filed as soon as possible but in any event no later than 2 p.m. tomorrow, November 7, 2020.

/s/ Samuel A. Alito, Jr.
Associate Justice of the Supreme
Court of the United States

Dated this 6th
day of November 2020.