IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Matter of the 2016

Presidential Election

:

Petition of: One Hundred (100)

or more unnamed registered voters of

the Commonwealth of Pennsylvania :]

No. 659 M.D. 2016

PER CURIAM

ORDER

AND NOW, this 2nd day of December, 2016, upon consideration of the Application to Dismiss filed by the Pennsylvania Electors of President-Elect Donald J. Trump and Vice-President-Elect Michael Pence, *et al.*, and the Request for Brief Continuance filed by Petitioners, it is hereby ORDERED as follows:

- 1. Petitioners shall file a written response, if any, to Respondents' Application to Dismiss on or before Monday, December 5, 2016, at 9:00 a.m.
- 2. The hearing scheduled for Monday, December 5, 2016, at 10:00 a.m., will be limited to argument on the Application to Dismiss filed by the Respondents.
- 3. The parties shall be prepared to address the threshold question of the Court's jurisdiction in light of the affidavit requirement for Class II election contests set forth in Section 1757 of the Pennsylvania Election Code, Act of June 3, 1937, P.L. 1333, 25 P.S. §3457, and as construed in *Morrison v. Shealer*, 128 A. 87 (Pa. 1925); *In re North Union Twp. Election*, 95 A. 421 (Pa. 1915); *In re Opening of Ballot Boxes, Montour Co.*, 718 A.2d 774 (Pa. 1998).
- 4. The parties shall be prepared to address whether the instant Class II Election Contest Petition contains factual averments sufficient to state a

prima facie case that the election of the Pennsylvania Electors of President-Elect Donald J. Trump and Vice-President-Elect Michael Pence was illegal.

- 5. Petitioners shall be prepared to make a proffer of evidence that supports their contest to the election of the Pennsylvania Electors of President-Elect Donald J. Trump and Vice-President-Elect Michael Pence and to identify what amendments to their Class II Election Contest Petition, if any, they intend to file pursuant to Section 1756 of the Election Code, 25 P.S. §3456.
- 6. An evidentiary hearing on the Class II Election Contest Petition challenging the legality of the election of the Pennsylvania Electors of President-Elect Donald J. Trump and Vice-President-Elect Michael Pence will be held, if necessary, on Thursday, December 8, 2016.