Limiting Poll Watchers to Counties of Residence

Republican Party of Pennsylvania v. Cortés
(Gerald J. Pappert, E.D. Pa. 2:16-cv-5524)

A political party and eight voters filed a federal complaint in the Eastern District of Pennsylvania on October 21, 2016, two and one-half weeks before the presidential election, alleging that "the Election Code illegally and arbitrarily restricts poll watchers from serving only in the county of their residence."[1] With their complaint, the plaintiffs filed a motion for a temporary restraining order and a permanent injunction.[2]

The court set the case for conference on the afternoon of October 24 before Judge Gerald J. Pappert.[3] Following the telephone conference, Judge Pappert set the case for hearing on October 28.[4] On the day of the hearing, "a coalition of Latino community-based organizations serving Philadelphia" moved to intervene as a defendant.[5]

Judge Pappert denied the plaintiffs immediate relief on November 3.[6] "States have the power to regulate elections."[7] There was a rational basis for the requirement: "In short, Pennsylvania opted to design a county-by-county system of elections; in doing so, it ensured as much coherency in this patchwork system as possible."[8]

Finding that the plaintiffs unreasonably delayed in bringing the action, Judge Pappert observed, "There is good reason to avoid last-minute intervention in a state's election process."[9]

1. Complaint, Republican Party of Pa. v. Cortés, No. 2:16-cv-5524 (E.D. Pa. Oct. 21, 2016), D.E. 1.
2. Motion, *id.* (Oct. 21, 2016), D.E. 2.
3. Notice, *id.* (Oct. 24, 2016), D.E. 4.
4. Order, *id.* (Oct. 28, 2016), D.E. 5.
5. Intervention Motion, *id.* (Oct. 28, 2016), D.E. 14.
6. Opinion, *id.* (Nov. 3, 2016), D.E. 21, 2016 WL 6525409.
7. *Id.* at 1.
8. *Id.* at 14.
9. *Id.* at 2, 6.