

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

**IN RE PETITIONS TO RECOUNT
AND/OR RECANVASS FOR
MULTIPLE VOTING DISTRICTS**

CIVIL DIVISION

No. 2016-07319 et al.

**PETITION FOR INTERVENTION IN
SUPPORT OF VOTER-INITIATED
RECOUNTS AND RECANVASSES
UNDER ELECTION CODE SECTION
1404**

Filed on Behalf of Jill Stein for President
and Jill Stein

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IN THE COURT OF COMMON PLEAS OF
BUCKS COUNTY, PENNSYLVANIA

IN RE: RECOUNT AND/OR) CIVIL DIVISION
RECANVASS OF THE VOTE FOR)
MULTIPLE VOTING DISTRICTS) No. 2016-07319, et al
)

(Consolidated)

**PETITION FOR INTERVENTION IN SUPPORT OF VOTER-INITIATED RECOUNTS
AND RECANVASSES UNDER ELECTION CODE SECTION 1404**

Pursuant to Pa. R.C.P. 2326-30, Jill Stein for President and Jill Stein (collectively, “Dr. Stein”) hereby petition this Court for leave to intervene in this appeal to assert their interests in a voter-initiated recount and recanvass under Section 1404 of the Pennsylvania Election Code, and for an order (a) ordering of the Bucks County Board of Elections to conduct a recanvass and recount in certain precincts on December 5, 2016 or as soon thereafter as practicable; and (b) directing the Bucks County Board of Elections to allow Dr. Stein to exercise her statutory right to conduct an expert forensic examination of electronic voting machines during that recount at her expense.

In support of their petition to intervene, Dr. Stein, by and through her counsel, avers as follows:

1. Dozens of Bucks County voters petitioned the Bucks County Board of Elections and this Court for a recount of the vote in their election districts. They did so because they want to ensure that all votes are counted fairly and accurately, and because leading computer scientists and technical experts agree that the electronic voting machines used in Bucks County are vulnerable to malfeasance.

2. The responsible public agency, the Bucks County Board of Elections, refused to accept petitions from such voters and directed that they file such petitions before this Court.

3. The Court should grant the petitions —and, to vindicate Dr. Stein’s statutory right as a candidate for the office of President of the United States to “examine” the voting machines, 25 P.S. § 2650(c), should order that the recanvass include a forensic examination of the software to ensure its proper functioning.

4. For the same reasons that Appellants have standing to bring their appeal and their petition, Dr. Stein and her campaign have standing to intervene. *See* Appeal ¶ 3; *In re Canvass of Absentee Ballots of November 4, 2003*, 839 A.2d 451, 457 (Pa. Cmwlth. 2003), *rev’d on other grounds*, 843 A.2d 1223 (Pa. 2004).

5. In an appeal from a decision of a county Board of Elections regarding a recount under Section 1407(a) of the Election Code, persons with an interest in ensuring that the recount proceeds are entitled to intervene. *See In re Contest of 2003 Gen. Election for Office of Prothonotary of Washington Cnty.*, 841 A.2d 606, 611 (Pa. Cmwlth. Ct. 2004), *rev’d on other grounds sub nom. In re 2003 Gen. Election for Office of Prothonotary*, 849 A.2d 230 (Pa. 2004).

6. Moreover, in the context of a Section 1407(a) appeal from a decision of a county Board of Elections, it is not uncommon to allow other candidates or other political parties with an interest in the Board’s decision to be heard, regardless of whether they have formal status as parties to the appeal. *See Rinaldi v. Ferrett*, 941 A.2d 73, 75 (Pa. Cmwlth. 2007).

7. Dr. Stein has a personal interest in ensuring that all votes for her for the office of President of the United States in Bucks County are counted accurately. Dr. Stein’s campaign played a role in organizing the voters’ Petitions and funded the recount efforts, and certain voters filed the Petitioners on Dr. Stein’s behalf.

8. Attached hereto is a Proposed Memorandum of Law by Jill Stein in Support of Petitions to Recanvass/Inspect, with Exhibits, for the Court's consideration.

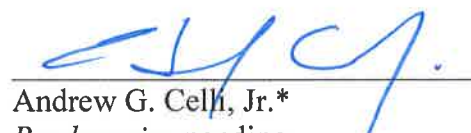
WHEREFORE, Jill Stein and the Jill Stein for President Campaign request that this Court issue an order: (1) granting their petition to intervene and granting them leave to file the annexed proposed memorandum of law; (2) directing the Bucks County Board of Elections to conduct a recount and recanvass on December 5, 2016; and (3) ordering that Dr. Stein, by her representatives, be permitted to forensically examine the Danaher "ELECTronic" (or "Shouptronic") 1242 system used to conduct the election under 25 P.S. § 2560(c).

Respectfully submitted,

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