

Pennsylvania Supreme Court Rules Mail-In/Absentee Ballots with No Dates or Handwritten Name/Address Can be Counted

By [Cristina Laila](#)

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The Pennsylvania State Supreme Court has once again shown its contempt for a free and fair election.

The **PA Supreme Court on Monday ruled** that mail-in/ballots with no dates or handwritten names/addresses on the outer envelopes can be counted.

The Trump campaign challenged the decision of the Philadelphia County Board of Elections to count 8,320 mail-in/absentee ballots arguing the voters failed to handwrite their name, address or the date (in some cases a combination of all three) on the outer envelope.

Trump’s legal team argued that the General Assembly set forth in the Election Code the requirements for how a qualified elector can cast a mail-in or absentee ballot.

A voter is required to “fill out, date, and sign” the declaration on the outside envelope the Trump campaign argued (citing 25 P.S. §§ 3146.6(a) and 3150.16(a)).

The Trump campaign argued that the Pennsylvania Supreme Court has repeatedly ruled that the requirements of the sections of Election Code impose mandatory obligations that the ballots cast falling short of these requirements cannot be counted.

The Philadelphia Board actually argued that the Election Code set forth by the General Assembly does not require them to set aside “timely-filed ballots” for “merely missing handwritten names, street addresses, and/or dates on the signed voter declaration.”

Who cares about filling out the outer envelopes? We are a banana republic.

The Trump team argued that a Pennsylvania court already invalidated 2,349 absentee ballots in Allegheny County where the voter didn’t date their declaration.

Commonwealth Court **Judge P. Kevin Brobson last Thursday reversed a lower court** judge and directed the “Elections Board to exclude the challenged 2,349 ballots from the certified returns of election for the County of Allegheny.”

“...[There] is an obvious and salutary purpose behind the requirement that a voter date the declaration. The date provides a measure of security, establishing the date on which the elector actually executed the ballot in full,

ensuring their desire to cast it in lieu of appearing in person at a polling place. The presence of the date also establishes a point in time against which to measure the elector’s eligibility to cast the ballot, as reflected in the body of the declaration itself,” the judge wrote.

Judge Brobson said the votes in question will not be counted “**because the votes are invalid as a matter of law.**”

The Pennsylvania Supreme Court shot down the Trump campaign’s argument and said voters failing to fill out their name/address and date on the envelope is just a “technical violation” of the Election Code and does not “warrant the wholesale disenfranchisement of thousands of Pennsylvania voters.”

“The decision of the Philadelphia Court of Common Pleas is hereby affirmed. The decision of the Commonwealth Court is hereby reversed and the decision of the Allegheny County Court of Common Pleas is reinstated.”

Incredible contempt for free and fair elections by the out of control PA Supreme Court. <https://t.co/RlOY07Yha5>

– Tom Fitton (@TomFitton) **November 23, 2020**

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Cristina Laila

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Cristina began writing for The Gateway Pundit in 2016 and she is currently the Associate Editor.

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